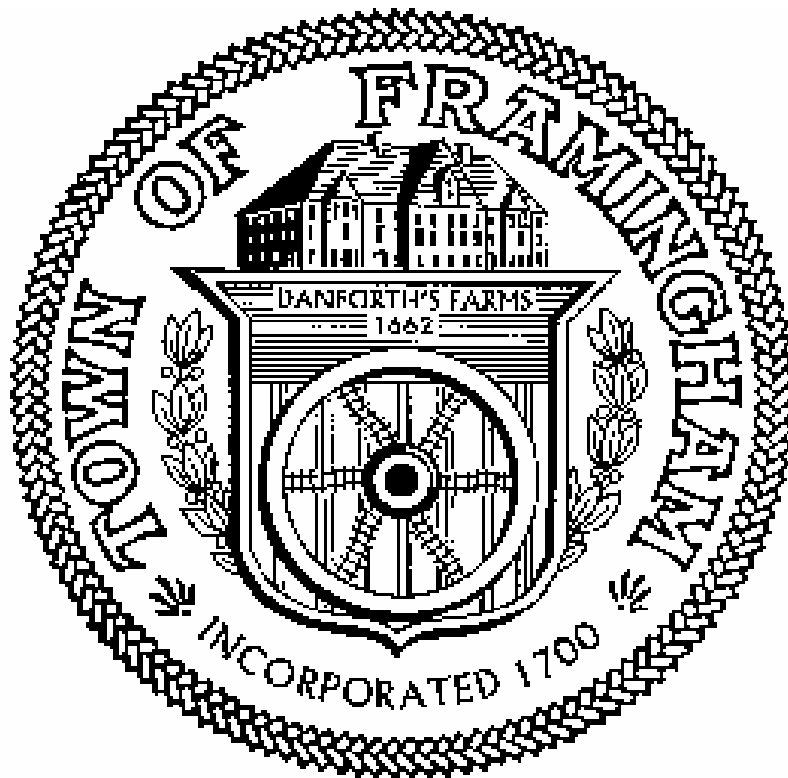


Town of Framingham

Board of Selectmen



Policy and Procedure Handbook

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Board of Selectmen Policy and Procedure Handbook

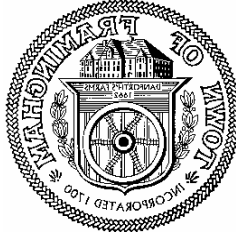
INTRODUCTION

It is recognized that in order to operate effectively as a unit, the Board will be well served by a system of policies to direct its decisions and actions. A policy may be initiated by a member of the Board, the Town Manager, a Town employee, or by a citizen of the Town by requesting that the Chair provide for discussion of the proposed policy in the agenda of a regular meeting of the Board. The individual initiating the discussion shall provide the Board with a written draft of the proposed policy for distribution to the Selectmen. The Board may schedule any hearing or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary, and shall notify of the discussion any Town boards, committees, or employees who may be affected by the policy.

Unless otherwise voted by the Board, the Board shall not vote on a policy at the same meeting at which it is first introduced. A vote by three of the Board's five members shall be required for the adoption of a new or amended Board policy. A new or revised policy adopted by the Board shall take effect seven (7) calendar days after adoption, and shall be carried out until it is rescinded or amended.

The Town Manager shall be responsible for the maintenance of all policies and procedures, for updating the Policy Manual with new and amended policies, and for ensuring that copies of the Board's policies and procedures are distributed to newly elected Board members. Copies of the Policy Manual shall be made available to the public at the Selectmen's Office and the Office of the Town Clerk.

Updated January 26, 2005



**Town of Framingham
Board of Selectmen**

Policy on Powers, Duties, and Obligations of the Board of Selectmen

Issue date: January 7, 2002

Type of policy: New (☒) Amendment ()

Effective date: January 14, 2002

Level: Department () Division () Town Wide (☒)

Policy Statement

The Board of Selectmen are the Chief Elected Officials of the Town of Framingham, and as such play an intricate role in the affairs of the community. This policy outlines the responsibilities of the Board as policy makers, rights of Board members in their roles as Selectmen and specifically Chairman, and how appointments are made to various Town positions. It also addresses the structure and agenda setting for regular Selectmen's meetings, and how the Board strives to maintain good communication with other Town departments and the community at large.

References

None.

Special Terms

None.

Policy Description

I. General

The Board of Selectmen is an elected board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the by-laws of the Town of Framingham, and the voters of Framingham. Board members are regular Municipal

Employees for the purpose of MGL c.268A. In general, the duties of the Board are as follows:

- Uphold the Constitutions of the United States of America and the Commonwealth of Massachusetts, federal and state laws, and Town by-laws;
- Recognize the Board's primary role is to set policy, with responsibility for administration delegated to the Town Manager;
- Recognize that members are part of a collegial body;
- Be well informed concerning the duties of a Board member on both state and local levels;
- Establish annual goals and objectives for itself and the Town;
- Represent the entire community at all times;
- Appoint a Town Manager, and set performance goals and objectives.
- Make appointments to volunteer boards, committees, and commissions;
- Act as the Licensing Board for the Town;
- Sets dates for town meetings as required, and prepares the warrant for annual and special Town meetings.

II. Compensation

Each member of the Board shall be compensated as determined by vote of Town Meeting. Members of the Board are entitled to reimbursement of expenses that are incurred while attending meetings and conferences in carrying out their duties related to their function as Board members as provided in the Massachusetts General Laws.

III. Election and Duties of Board Officers

At its first meeting following the annual Town election in April, the Board shall elect from its membership a Chair, Vice-Chair and a Clerk. Officers shall be elected for a term of one year, and a majority vote shall constitute an election. Nominations of officers shall require both a motion and a second. Vacancies occurring in any office shall be filled by the election of a successor to fill the unexpired term at the next regularly scheduled Board meeting.

The Chair shall have the following duties and Responsibilities:

- Preside at all meetings of the Board, maintain order in the meeting room by recognizing speakers, calling for votes, and presiding over the discussion of agenda items and generally being guided by Robert's Rules of Order, except as modified herein.
- Sign official documents that require the signature of the Chair, following a vote of the Board as required;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Review meeting agendas with the Town Manager;
- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair;

- Serve as spokesperson for the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair; and
- Make liaison assignments, as appropriate, and assign overview responsibilities for projects and tasks to Board members unless otherwise determined by the Board.

The Chair shall have the same rights as other members to discuss questions, and to vote thereon.

The Vice-Chair shall act in the place of the Chair if absent at Board meetings. Should the Chair leave office, the Vice-Chair shall assume the duties of Chair until the Board elects a successor.

IV. Appointments

A. Board Members

The Board shall, after reorganizing each April, appoint for a term of one year a Board member or another appropriate individual to represent the Board in the following capacity:

- Massachusetts Bay Transportation Authority Advisory Board member
- Massachusetts Water Resources Authority Advisory Board member
- Metropolitan Area Planning Council member
- Metro-West Growth Management Committee member
- Metropolitan Planning Organization
- Real Property Committee member
- Permanent Building Committee member
- Athenaeum Hall Superintendent
- Traffic and Roadway Safety Committee
- MWRA Working Group
- MWRA Wastewater Advisory Board

Representatives appointed by the Board will represent the official positions of the Board, when such positions have been taken.

B. Volunteer Positions

The Board shall make its annual appointments of volunteer positions no later than its last regular meeting in May. Appointments shall have terms beginning on July 1 and expiring on June 30 and shall be for three (3) year terms or as required by state statute or Town by-law. In addition, as the need arises, the Board may make appointments throughout the year for terms to take immediate effect, with expiration dates of June 30. Incumbents shall continue to serve in office until a successor shall be appointed.

- A complete listing of all officials appointed by the Board is provided in Article I of the Town by-laws, and a regular updated listing of the current

status of all officials is provided by the Town Clerk. Appointments shall be based on merit and qualifications. Where possible the Board will seek variety in backgrounds, interests, ages, genders, and geographic areas of residents, so that Town boards, committees and departments will reflect a true cross-section of the community.

- In order to attract qualified and interested persons, vacancies will be publicly advertised as far in advance of the appointment as practicable, with description of responsibilities and actions, and request for cover letters and resumes shall be given.

All applicants should submit a letter of interest and a resume. Notification of receipt and outcome will be sent to the applicant. The Selectmen's Office shall maintain a file of interested applicants.

C. Elected and Appointed Positions

The Town Manager will ensure that the Chair of the board on which a vacancy occurs is advised of the vacancy, and will seek nomination recommendations of a majority of the relevant committee. In the case of an incumbent seeking reappointment, the Chair of the committee shall provide the Board of Selectmen with the attendance history of the incumbent. Reappointment shall not be considered automatic, but shall be based on an evaluation of the appointee's past contribution to the board or committee. There is no limit to the number of terms which an appointee may serve, but all interested applicants will be considered for vacancies as they occur. To facilitate this process, the Selectmen's Office will maintain a listing of the Town residents who have expressed an interest in Town service, and the Board will be provided the names of all who have expressed interest in serving on a board, committee or commission before it votes to make the appointment by the Board. Town residents interested in serving must submit a letter of interest to the Selectmen.

Upon notification of a vacancy on an elected Town board, the Board and the remaining members of the elected board shall appoint a replacement, on a majority roll call vote of the combined boards, subject to MGL c.39 and Town by-laws. The new appointee shall be a registered voter in the Town of Framingham and shall serve only until the next annual Town election.

D. Establishment of Ad Hoc Committees

It is often necessary or desirable for the Board to appoint committees to investigate and to report to the Board on specific problems of general concern. The purpose of these committees is to develop greater expertise and more widespread participation than might otherwise be available. All committees appointed by the Board are advisory for it is the Board's ultimate responsibility to discharge its obligations.

The Board will give each advisory committee a written charge, which shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon completion of their work.

The charges and membership of standing or long-term committees will be reviewed annually to assess the necessity and desirability of continuing the activity of the committee as well as to consider the contribution made by individual committee members. It is the policy of the Selectmen to appoint qualified citizens representing all segments of the Town to all boards and committees.

E. Dual Municipal Employees

The Board, in accordance with MGL c.268A, Section 20B, may designate "dual municipal employee" status for Town employees who seek to hold a second Town position. The designation applies to paid Town employees, both full- and part-time. The Board and those holding positions seeking dual municipal employee status must be familiar with the state statutes regulating conflicts of interest. The Board shall grant dual municipal employee status only if there is a substantial benefit, financial or otherwise, to the Town. Said status would allow the applicant to provide any product or service to the department, commission, committee, or board to which he or she is regularly associated.

When granting dual municipal employee status, the Board will establish the effective time period, normally not to exceed one year from the date of approval. Any employee having been granted said status is required to request, in writing, new approval on or before the expiration of the existing approval. As authorized in state statutes, the Board reserves the right to terminate its approval for any and all employees granted such status. A list of such approvals will be maintained on a current basis by the Selectmen's Office and provided to each Board member. The Board will review all approvals annually at the Board's first regular meeting in July.

F. Stipends

The Board shall review and vote on all stipends at its first regular meeting in July.

V. Annual Report of Town and Town Meeting Journal

The Board shall annually cause to be produced an "Annual Report for the Town of Framingham". Said document shall report to the citizens of Framingham on the activities undertaken by the various agencies, committees, commissions, boards and officials, including a complete financial accounting, and shall be distributed at the first night of the Annual Town Meeting.

The Board shall also cause to be produced sufficient copies of submitted materials to assist Town Meeting members in their deliberation and discussion of all warrant articles placed before them. This may be distributed as the document known as the Town Meeting Journal, or in any format which the Board feels is relevant and responsive to the needs of the Town Meeting members.

VI. Conflict of Interest and Code of Conduct

Board members shall avoid conflicts of interest or even the appearance of conflicts of interest in strict compliance with all applicable by-laws and state statutes, including MGL c.268A.

VII. Meetings of the Board

The Board of Selectmen functions only when acting as a Board in a legally constituted session. The Board functions as a body in all policy decisions and all other matters as required by law or determined by a vote of the Board in formal session. Selectmen are elected officials with responsibility to represent all segments of the community and there should be no restraint in the proper and reasonable exercise of this responsibility. The individual members of the Board shall respect their responsibility to other members of the Board so that the discharge of these duties may be accomplished in an expeditious and productive manner. Extended orations or arbitrary declarations are not conducive to intelligent and factual solutions to problems before the Board.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote.

Split votes will be identified by name in meeting minutes. The Chair will announce the outcome of each vote taken.

Regular meetings of the Board shall be held in the Memorial Building as scheduled by the Board. Meetings shall be televised on the local cable access channel. Meetings falling on a legal holiday are usually canceled or rescheduled at the discretion of the Board.

In addition to regular meetings, the Chair may call from time to time, as needed, working sessions. Working sessions shall be duly posted and recorded as are all other meetings, but the Board will take no action or votes during such sessions. The sessions will allow the Board to meet informally to discuss and work on current issues. All meetings of the Board shall be held in places accessible to the handicapped.

Meetings of the Board may be convened at the direction of the Chair whenever circumstances require. These will normally be convened to address unfinished business, respond to emergency situations, or to conduct informal working sessions. The Board will notice and record minutes of all meetings as required by MGL c.39.

A. Agenda Setting and Support Material

The Town Manager bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Town Manager, in consultation with the Chair, shall prepare the agenda, and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. All items to be considered must be submitted to the Selectmen's office by noon Monday. Items of an emergency nature that develop after the close of the agenda may be added to the agenda by the Chair. The agenda for a regularly scheduled Board meeting shall be prepared by noon on Tuesday.

Members of the Board, Staff, Town Manager or others who prepare background materials for a meeting should have such materials available by noon on Tuesday. If background information is insufficient or complex, any member should feel free to ask for additional time for careful study of an issue or a motion.

The Thursday agenda shall be available to the public and the press at the Selectmen's Office on Wednesday morning and shall be posted on the bulletin board outside the Ablondi Room that same day.

Copies of the minutes of previous meetings and all important correspondence, reports and other pertinent background materials shall be held in the Selectmen's Office for inspection by interested parties and the press. In addition, a reasonable number of copies should be made available to the public for their inspection on the night of the Selectmen's Meeting. A sign up sheet for Public Participation will be made available to the audience. Agenda items for Board meetings will be arranged in the following order unless otherwise determined by the Town Manager or Chair.

- I. Public Participation *
- II. Conferences
- III. Reports
- IV. Presentations
- V. Town Manager's Report
- VI. Selectmen's Reports
- VII. Action Items
- VIII. Executive Session (if needed)

** Public participation shall be limited to fifteen minutes with no more than three minutes allowed per speaker except by unanimous consent of the Board.*

B. Executive Session

Where practicable, Executive Session shall be scheduled at the end of the open meeting of the Board or on a night other than that of a Regular meeting, as permitted under M.G.L. Chapter 39, Section 23.

C. Public Hearings

Hearings before the Board shall be conducted in accordance with the following procedures, unless are necessary to comply with statutory requirements applicable to particular matters:

- The Town Manager will ensure that the hearing is advertised and notice given to interested persons, such as abutters, as required by statute or as directed by the Chair in the absence of statutory requirements;
- Hearings will be scheduled at the beginning of the meeting agenda;
- At the time advertised for the hearing, the Chair will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given;
- All questions shall be addressed to the Chair, and individuals may address the Board when recognized;
- The order of presentation will be: presentation by the proponent; receipt of recommendations from any Town board or officer; questions from Board members; and statements by members of the public an/or opponents; and
- At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

I. Minutes of Meetings

The Office Manager shall attend Board meetings and draft minutes which will be made available to Board members in a timely fashion, (not to exceed fourteen days from the meeting date). The Office Manager shall be a confidential employee. Minutes circulated to members of the Board on or before the agenda is set for the subsequent meeting shall be considered at that meeting. Changes in the text of minutes shall be reviewed and agreed upon by a majority of voting Board members. The Town Manager shall periodically review and present for the Board's vote the minutes of meetings held in Executive Session, which may be released to the public. The Board shall release minutes of Executive Session at the earliest opportunity without compromising the nature of the matter discussed therein.

Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Minutes shall also contain sufficient detail so as to allow any person to determine the intentions and/or votes of the Board in a particular matter. Approved minutes shall be recorded in a Minutes Book. Minutes of Board meetings held in Executive Session shall be kept separately and recorded in accordance with the procedures dictated above. Minutes (other than those of meetings in Executive Session which the Board has not voted to release) shall be open for public inspection during normal business hours.

IX. Communication with Appointed, Elected Officials, Employees and the Public

A. Town Boards, Commissions, Committees, and Elected Officials

The Board is aware that coordination and cooperation is needed among the Town's boards, committees, and commissions to provide efficient day-to-day operations of government. Cooperative relationships will enable the Board to set town-wide goals and priorities; identify and anticipate major problems, select effective activities directed toward their resolution; and develop a process for dealing with agencies of the state and federal government. These shall include but not be limited by the exchange of minutes, the establishment of a central repository for data, studies, and reports, and the invitation to Chairs of appropriate boards and committees to meetings of the Board on matters relevant to those boards or committees.

The Board shall at least once every two years convene a meeting of all town boards, commissions, committees and elected officials to provide a forum to discuss the priorities and budget of the Town.

- Town boards, committees, commissions or officials, elected or appointed, should direct inquiries regarding the day-to-day operations, budget or policies of a particular department through their professional staff or chair of their respective committee to the Town Manager or the Board. Elected or appointed officials will not interfere with department heads or Town employees on matters that relate to the administration or management of a particular department. It is important that the Town Manager retain overall control and jurisdiction over Division Heads and their employees, and that there be no improper interference from Town officials in this area.
- Board members are free to speak with Town employee and department heads to refer complaints or to make routine inquiries. However, a Board member or other elected or appointed official wishing an in-depth inquiry into a department's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by the Board by consensus or Board vote or receive said approval from the Town Manager.

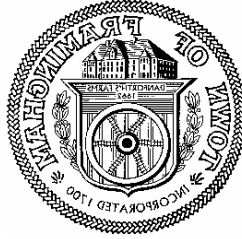
B. Citizen of Framingham

In recognizing that it both represents and is accountable to the residents of the Town, it is the policy of the Board to make every effort to strengthen communications with citizens. The Board will act to increase citizen participation, encourage citizen input into government decisions, and to keep residents informed of all actions contemplated or taken by the Board that will affect them. To this end, the Board will take the following steps:

- In addition to Citizen Participation, a resident or group of residents may request a meeting with the Board by contacting the Selectmen's Office, stating precisely the reason for the appearance and the Board action desired and by naming a spokesperson for the group. As circumstances permit, such a meeting will be incorporated into the agenda of a regularly scheduled Board meeting if

the issue cannot be satisfactorily resolved by the Town Manager. Participants shall be allowed to make a reasonable presentation through the spokesperson and to express opinions and to ask for pertinent information. Residents making such presentations are encouraged to prepare written materials for the Board's review;

- The Selectmen's Office will ensure that persons who will be directly affected by proposed Board discussion or action will be notified of the date and time of the meeting at which the matter will be discussed or acted upon by the Board;
- When the Board is considering matters of citizens concern at a regular meeting, the public will be allowed to ask questions or make brief statements relative to the matter under consideration at the discretion of the Chair; and,
- The Town Manager and Chair will ensure that all citizen questions and complaints are answered promptly. Matters requiring the attention of the full Board shall be included in the agenda of the next regular Board meeting.



**Town of Framingham
Board of Selectmen**

Policy on Establishment of Policy, Procedure and Regulations

Issue date: June 17 1996

Type of policy: New (x) Amendment ()

Effective date: June 24, 1996

Level: Department () Division () Town Wide (x)

Policy Statement

This statement sets forth the guidelines by which a policy, procedure or regulation established by the Board of Selectmen for the Town of Framingham may be created and/or revised. It also sets forth the responsibility for the maintenance and oversight of said policies.

References

None.

Special Terms

None.

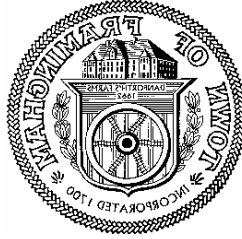
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meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary, and shall notify of the discussion any Town boards, committees, or employees who may be affected by the policy.

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**Town of Framingham
Board of Selectmen**

Policy on Traffic and Roadway Safety Committee

Issue date: April 30, 2001

Type of policy: New (x) Amendment ()

Effective date: May 7, 2001

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the areas of responsibility for the Traffic and Roadway Safety Committee as an advisory committee to the Board of Selectmen.

References

None.

Special Terms

None.

Policy Description

II. General

The Town of Framingham Traffic and Roadway Safety Committee is an advisory committee to the Board of Selectmen. The committee consists of the Police Chief or his/her designee, the Town Engineer, the Director of Public Works, and the Chairman of the Board of Selectmen or his/her designee. The committee selects the Chairman of the Safety Committee.

III. Meetings

The Safety Committee will meet on a monthly basis at a consistent time and date determined by the Committee. All meetings will be opened to the public and posted with the Town Clerk in accordance with the Open Meeting law.

IV. Areas of Responsibility

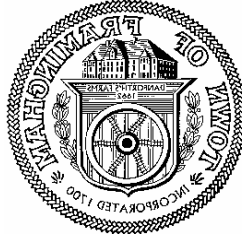
The Safety Committee will review all traffic safety issues. The Safety Committee will also be responsible for the maintenance and updating of the Town of Framingham's Traffic Rules and Regulations. When required, recommendations and actions of the Safety Committee will be offered to the Board of Selectmen or Town Meeting for final action.

Among the most common issues the Safety Committee reviews are:

- Speed zones
- Traffic signage
- Truck exclusions
- One-way streets
- Parking restrictions
- Streetlight requests
- School walking distances
- Crosswalk locations
- Sidewalk plowing

V. Agenda

Agenda requests to the Safety Committee will come from referrals from Town departments and direct requests from residents and other interested parties. Citizens can request to appear in person before the Committee to discuss issues of concern.



**Town of Framingham
Board of Selectmen**

Policy on Purchase Orders and Bid Procedures

Issue date: September 8, 2000

Type of policy: New (x) Amendment ()

Effective date: September 15, 2000

Level: Department () Division () Town Wide (x)

Policy Statement

The following policy sets forth the purchase order thresholds for expenditures by all Town Departments, as well as bid guidelines including thresholds for procurement, preparation of bids, addendum, bid openings, recommendations for award, and contractual items.

References

M.G.L., Chapter 30B

Special Terms

"Best business practices": Sound business practices, which should include some type of informal bidding of goods or services required, in order to determine if goods or services are being received at a competitive price.

Policy Description

I. Purchase Orders

A. Purchase Order Thresholds

Purchase orders are required only for expenditures in excess of \$2,500. No purchase orders will be processed for goods and services below this threshold.

In order to maintain financial accountability for all departments at the end of the fiscal year, purchase orders in excess of \$1,000 are required during the month of June only. All items in excess of \$1,000 must be submitted to the Purchasing Office no less than ten (10) business days prior to June 30th to be encumbered for the current fiscal year. Items received after this date will be held until July 1st and encumbered against next fiscal year.

B. Confirming Purchase Orders

Purchase orders must be obtained prior to purchasing goods or services. No purchase will be honored or invoice paid if a purchase order is submitted after the item has been ordered or the work performed. Emergency procurements requiring purchase orders need prior authorization from the Division Head and/or approval from the Purchasing Office.

C. Telephone Ordering

Purchase orders required in order to make a purchase over the telephone (i.e., supplier will not process order without purchase order number) will be distributed by the Purchasing Office on an as-needed basis.

II. Bid Procedures

This is not intended as a step-by-step procedure for formally bidding out a product or service; rather, to be used as a guideline in conjunction with Massachusetts Procurement Laws.

A. Bid Thresholds

As of July 1, 2000, the Massachusetts Legislature amended the bid thresholds for procurement to the following:

For procurement of goods and services under \$5,000, cities and towns should follow "best business practices".

For procurement of goods and services between \$5,000 and \$24,999, cities and towns should obtain three (3) written quotes from vendors. These quotes should be based upon a uniform, written scope of services or specifications.

For procurement of goods and services in excess of \$25,000, formal bid procedures are required.

B. Preparation of Bids

Each Department should prepare their own bid packages, including specifications, bid forms, and other relevant information. The Purchasing Department will provide you with

standard contracts, forms for non-collusion, certificate of authority, tax compliance, and other relevant bid documents, as well as advertise the bid appropriately. Purchasing will also be responsible for obtaining the Wage Rates from the Department of Labor for each project, if necessary, once we are notified of the intended bid. Please allow seven (7) to ten (10) working days to obtain the bid rates in your bidding process.

C. Addendum

Attention should be paid to detail prior to submitting the bid packages to Purchasing for advertising, to avoid unnecessary addendums to the bid package after the initial mailing. Addendum should be used only in those rare circumstances where an omission in the original bid package will either nullify the bid or provide the Town with a product or service that it does not want or cannot use. Addendum will not be issued within five (5) working days of the bid opening.

D. Bid Openings

Bid openings are conducted in the Purchasing Office at the time and date specified in the bid package and advertisement. The Division Or Department Head that is responsible for the bid must be in attendance at the bid opening, or their representative. This assists the Purchasing Office in answering any questions specific to the details of the bid from any Bidders in attendance, and often times provides the necessary witness to the bid opening, as required by Mass. Procurement Law.

E. Recommendation for Award

After the bids have been opened and recorded, the Division or Department Head will more carefully review the bids and make a recommendation for award to the Purchasing Office. The recommendation for award must be submitted in writing, and will be kept with the bid file. An award letter will not be issued from the Purchasing Office without the written recommendation for award from the Division or Department Head.

F. Contracts

All procurements equal to or in excess of \$5,000 are required by Massachusetts General Law to have a contract or agreement between the parties. In order for the contract to be valid, it must have the following signatures in the following order:

The successful Bidder
The Chief Procurement Officer
The Town Accountant
Town Counsel, approving the contract as to form

The Town Accountant must also know the funding source for the procurement, and it will be noted on the contract in the space provided. The contract or bid number should then

be listed on each invoice submitted to the Town for payment by the Bidder under said contract.

G. Termination of Bidder

In the event that a contract with a Bidder must be terminated for poor or nonperformance, the termination of the contract must be done within the procedure contained in the contract. Since the contract was signed by both the Town and the successful Bidder, and therein contains the termination clause, it is implicitly the procedure agreeable to both parties if such cause arises. Notice of termination will be sent out by the Purchasing Office upon receipt from the Division or Department Head of a written recommendation for termination of the contract and the reasons for termination. If the Division or Department Head intends to award the bid to the next lowest responsible Bidder, he/she must submit a new letter of recommendation to the Purchasing Office so that a new award letter may be sent out.



**Town of Framingham
Board of Selectmen**

Policy on Ethical Conduct

Issue date: March 19, 2003

Type of policy: New (x) Amendment ()

Effective date: March 26, 2003

Level: Department () Division () Town Wide (x)

Policy Statement

The purpose of this policy is to:

- ensure, along with the State Conflict of Interest Law (“COIL”), that private financial interests and personal relationships of persons serving the Town, whether as paid employees or elected or appointed volunteers, (“TOWN Employees”) do not conflict with their public obligations,
- inform Town Employees of the importance of acting in ways that do not create either actual conflicts or the appearance of conflicts,
- emphasize those aspects of the “COIL” that are of particular concern as a matter of policy to the Board of Selectmen,
- inform Town Employees of the ways in which conflicts or the appearance of conflicts may lawfully be avoided or, if having occurred, may be cured, and
- inform the public in non-technical terms of certain important provisions of the “COIL” as it may apply to matters of local concern and of the importance that the Board of Selectmen attaches to the fair and effective application of that law.

This policy is not intended to replace or to contradict the provisions of state law. It is a summary of certain provisions of the “COIL” which the Board of Selectmen believe should be part of the basic knowledge about town government of all Town Employees. It is not meant to serve as formal advice or as a substitute for either private legal counsel or for the methods provided by the “COIL” by which Town Employees can obtain opinions or guidance from Town Counsel or the Ethics Commission. Town Employees who are uncertain how the COIL applies to them or what their responsibilities under that law may be are encouraged to seek such guidance.

Town Employees should take particular note of the provisions of this policy that appear in large bold face type. Those provisions are summary statements of basic principles to be observed by all Town Employees.

References

Massachusetts General Law, Chapter 268A (Conflict of Interest Law)

- Section 17: Receiving gifts or compensation from someone other than the Town, or acting for others than the Town.
- Section 19: Participating for the Town in matters in which Town Employee has a financial interest.
- Section 20: Having a financial interest in a Town contract.
- Section 21: Canceling official actions influenced by Town Employee misconduct, and other sanctions.
- Section 23(b) (3): Avoiding giving reasonable grounds for belief that improper conduct has occurred.

Massachusetts General Law, Chapter 268B (Public Disclosure by Public Officials and Employees)
Section 3 (g): Advisory Opinions of State Ethics Commission

State Ethics Commission Rules of Practice and Procedure, 930 CMR
Section 1.03 Advisory Opinions to Municipal Employees

Special Terms

Town Employee: A person performing services for or holding an office, position, employment, or membership in a Town agency, whether by election, appointment, employment, whether serving with or without compensation, on a full, regular, part-time or consultant basis, but excluding Town Meeting Members when acting as such.

Participate: To act on behalf of the Town as a Town Employee in any of the following ways: approving, disapproving, deciding, recommending, advising, investigating or otherwise.

Immediate Family: The Town Employee or the employee's spouse, parents of the employee or employee's spouse, children, brothers and sisters.

Special Town Employee: A Town Employee who has been expressly classified by the Board of Selectmen and who is eligible for such classification under the COIL.

Policy Description

I. THREE COMMON TYPES OF CONDUCT THAT MUST BE AVOIDED

The Conflict of Interest Law (“COIL”) is concerned primarily with conduct which may affect the ability of persons who are serving the Town as Town Employees to render such services with undivided loyalty to the interests of the Town and its residents. In addition, the law requires such persons to not engage in conduct that could reasonably lead objective observers to believe that a violation of the law might occur, the so-called prohibition against “the appearance of conflict.”

In some situations conduct that might violate the law can be made harmless by the person making a public disclosure of the circumstances. In some cases the disclosure alone is sufficient. In other cases a person holding an appointed position may receive permission to proceed in the matter after disclosure to the appointing authority.

If a person is uncertain whether the “COIL” applies to a proposed action, an opinion may be obtained from Town Counsel or the State Ethics Commission. A favorable opinion that is based on an accurate disclosure of the circumstances will protect the person against disciplinary action by the Ethics Commission and possible criminal prosecution.

If a violation occurs, depending on its nature and severity, the person may be subject to civil or criminal penalties including fines and imprisonment. In addition, if the violation has harmed the financial interests of the Town in its dealings with others, the action taken in violation of the law may be cancelled.

The types of conduct that most frequently are likely to violate the law can be summarized as follows:

A) YOU MAY NOT RECEIVE PAYMENT FROM SOMEONE ELSE OR ACT FOR SOMEONE OTHER THAN THE TOWN IN PERFORMING YOUR DUTIES FOR THE TOWN.

A person subject to the law may not receive or ask for compensation from any person other than the Town in connection with the person’s performance of duties for the Town. In plain terms, a person may not accept or solicit a bribe or a gift, or be paid by anyone other than the Town for participating in one’s official duties for the Town. Similarly, a person subject to the law may not act for anyone other than the Town in any matter in which the Town is a party or has a direct or substantial interest, whether or not the person has any official responsibility in connection with the matter. (*C. 268A, Sec.17*)

B) YOU MAY NOT ACT FOR THE TOWN IN A MATTER IN WHICH A YOU HAVE A FINANCIAL INTEREST

A Town Employee may not act for the Town in any matter in which the person has a financial interest. (*C. 268A, Sec.19*)

YOU MAY NOT HAVE A FINANCIAL INTEREST IN A TOWN CONTRACT

A Town Employee may not have a financial interest in a contract made by the Town even if the person had no official responsibility in connection with making the contract. A contract of employment between a Town Employee and the Town is permitted. (C. 268A, Sec. 20)

C) YOU MAY NOT ACT IN A WAY THAT WOULD CAUSE A REASONABLE PERSON WHO IS AWARE OF THE CIRCUMSTANCES TO THINK YOU COULD BE IMPROPERLY INFLUENCED OR SHOW FAVORITISM IN PERFORMING YOUR DUTIES AS THE RESULT OF FAMILY RELATIONSHIPS OR UNDUE INFLUENCE OF ANOTHER PERSON. C. 268A, Sec. 23(b)(3).

A Town Employee may violate this section even if the employee's conduct does not amount to an actual violation of another section. This section cautions against acting in a way that would give a reasonable person, not one who is unduly suspicious or distrustful of anyone in public office, reason to conclude from the way you act, or from your relationship to someone having an interest in the outcome of your official actions, that your performance could be the result of improper influence or family, business or professional relationships.

The three types of conduct summarized above are not the only provisions of the law with which the "COIL" and this policy are concerned. They are, however, among the most common sources of difficulty and are basic to an understanding of the law.

I. SPECIAL TOWN EMPLOYEES

The COIL authorizes the Board of Selectmen in its discretion to designate certain Town Employees (other than Selectmen) as Special Town Employees. Special Town Employees may be exempt from certain provisions of the COIL depending on the nature of the responsibilities of their position. If any member of a board or committee receives the designation all must receive it. The COIL establishes minimum requirements for eligibility that include unpaid volunteers and certain part time paid Town Employees. The Board of Selectmen has not designated any position as a Special Town Employee, but may do so in appropriate circumstances in particular cases.

III. THREE PRINCIPLES THAT RUN THROUGHOUT THE "COIL"

A) THE "COIL" PROHIBITS YOU FROM TAKING ACTION THAT WOULD IMPROPERLY BENEFIT NOT ONLY YOU PERSONALLY, BUT OTHERS WITH WHOM YOU MAY HAVE FAMILY OR OTHER RELATIONSHIPS.

The "COIL" prohibits you from participating in matters in which you know that any of the following have a financial interest:

- your spouse and your (and your spouse's) parents, children, brothers and sisters,
- your partner,
- a business in which you are an officer, director, trustee, partner or employee, and
- a person or organization with whom you are negotiating for or have any arrangement concerning future employment.

B) IF YOU ARE PROHIBITED FROM PARTICIPATING IN A MATTER BECAUSE OF A CONFLICT OR THE APPEARANCE OF A CONFLICT, YOU MAY NOT ACT IN ANY WAY IN CONNECTION WITH IT.

The "COIL" uses the term "participate" to include a wide variety of activities that commonly take place when a matter is under consideration for action or decision. As a result, if you have a conflict or to avoid the appearance of a conflict you are prohibited from:

- voting on the matter or on action relating to it,
- expressing in your official capacity your approval or disapproval,
- making a recommendation,
- giving advice, or
- investigating the matter.

This Policy requires that a person who is prohibited from participating in a matter coming before a board or committee of the Town because of a conflict or the appearance of a conflict must not be involved in any action of the sort described above, must be physically absent during the part of any meeting or proceeding at which such action is to be taken, and must state before departing the reason for such departure.

C) VIOLATIONS OF THE CONFLICT OF INTEREST LAW MAY HAVE SERIOUS CONSEQUENCES FOR THE PERSON INVOLVED AND FOR THE TOWN.

The "COIL" is enforced by both civil and criminal penalties that are administered by the State Ethics Commission and by law enforcement agencies. The Ethics Commission has the power to impose civil penalties up to \$2000 for violations of the law. Section 17 which involves bribes or gifts offered or received carries a penalty of a fine up to \$3,000 and imprisonment for not more than three years, or both. Section 19 which involves participating in a matter in which a prohibited financial interest is involved carries a similar fine and imprisonment for not more than two years, or both. Section 20 which involves having a financial interest in a town contract carries a fine of \$3000 and imprisonment for not more than two years or both.

A violation of Section 23 which involves avoiding the appearance of a conflict does not carry criminal penalties. However, a person who is found to have violated that section may be subject to appropriate administrative action by the head of the Town agency in which the person is serving.

In addition to any other remedies provided by law for violations of Sections 17, 129, and 20:

- If a violation has influenced an action taken by the Town, the Town may cancel the action upon appropriate terms, and
- The Ethics Commission, the District Attorney of the Town may sue the person who committed the violation and received an economic benefit to recover the amount of such benefit or \$500 which ever is greater or in some circumstances two times the amount of such benefit.

IV. DISCLOSURE OF ACTUAL OR POTENTIAL CONFLICTS

If a Town Employee believes there may be a violation of the prohibition (Section 17) against having a financial interest in a matter in which the employee may act, the employee must fully disclose the circumstances to the appointing authority and may receive a written decision that the interest is so insubstantial as to not be likely to affect the integrity of the employee's action.

If a Town Employee intends to participate in a matter in which the employee has a financial interest, in order to avoid violating the COIL, the employee must in advance fully disclose the circumstances to the employee's appointing authority. After making such a disclosure, the employee may receive a written decision that the interest is so insubstantial as to not be likely to affect the integrity of the employee's action and the employee's participation will not violate this section.

If a Town Employee in good faith and within 30 days after learning of an actual or prospective violation of the prohibition (Section 20) against having a financial interest in a contract with the Town makes full disclosure of the interest to the contracting agency and disposes of his interest there will be no violation of this section.

If a Town Employee in advance of taking official action that may create the appearance of a conflict (Section 23(b)(3) discloses to the appointing authority or, if no appointing authority exists, discloses in a public way, the facts that would otherwise lead to such an appearance, there will be no violation of this section.

In each instance in which the "COIL" provides for disclosure as a method of curing or avoiding a violation of the law, the Board of Selectmen acting either as the relevant appointing authority or, in conjunction with the Town Manger as the head of an agency in which the employee serves, will review directly or though its designee, the content of the disclosure to ensure that it complies with the purpose of the "COIL" and this policy. The Board or the Town Manager may designate a qualified and disinterested person to review such disclosure statements and to report to the appointing authority. The appointing authority will act when necessary to require the employee to supplement the disclosure so as to adequately inform the public of the circumstances and to enable the appointing authority to decide what further action, if any, may be necessary to ensure such compliance.

Further action by the appointing authority, depending upon the circumstances of each case, may include a direction to the employee to not participate or to limit the employee's involvement.

A full disclosure for the purpose of this policy must include, as appropriate to the particular circumstances:

- The nature of the relationship: familial, employment, contractual, whether compensation is involved, if the relationship concerns financial matters the amounts involved and the nature of the relationship, for example, if debtor/creditor the amounts involved and current status of the debt.
- Whether the relationship is current or has been concluded. If concluded when it was concluded.
- If the relationship is with an entity, such as a corporation, trust or estate, in which the disclosing party has an interest, the nature and value of the interest.
- If the relationship involves the giving or receipt of political contributions, the period of time during which such contributions were made, the amounts thereof, and a description of any aspects of the political relationship other than that of financial support.
- If the relationship is that of attorney/client whether the relationship is current or past and the nature of the matter(s) to which the relationship pertains.
- If any person identified by name or general description in the disclosure statement has any interest in the particular matter to which the disclosure statement relates, whether direct or indirect, immediate or through family or business relationships, past, present or contemplated, include the nature of the interest and a description of the relationship between the person making the disclosure and such other person.
- Whether the person making the disclosure has had any communication at any time with any person identified by name or general description in the disclosure concerning the particular matter to which the disclosure statement relates, including the time of such communication(s) and the details thereof.

V. FILING OF DISCLOSURE STATEMENTS AND RELATED DOCUMENTS

Each disclosure statement submitted by a Town Employee and related documents will be filed and indexed as follows:

Statements filed with the Board of Selectmen and the Town Clerk will be indexed under the name of the individual Town Employee making the disclosure statement.

Statements will be filed with the Clerk and other person responsible for maintaining the records of any board, committee or other agency of the Town on which the Town Employee making the disclosure serves. They will be filed with and indexed to refer to the particular matter to which the disclosure relates so that a person having an interest in the particular matter may readily have access to the disclosure statement and related documents.

VI. ATTENDANCE AT ETHICS SEMINARS

The Board will offer the opportunity to all Town Employees, full or part time, paid or volunteer, to attend at least once each year a seminar held in Town Hall on the requirements of the Conflict of Interest Law as applicable to Town Employees. All compensated Town Employees in any division under the jurisdiction of the Town Manager will be required to attend that seminar unless excused in advance in writing by the Town Manager.

VII. OPINIONS OF TOWN COUNSEL OR STATE ETHICS COMMISSION

Opinions of Town Counsel to Town Employees that are rendered under the “COIL” become public records (Sec. 22) and are to be filed with the Town Clerk. Town Counsel must file with the Ethics Commission a copy of each such opinion for review. In order to provide the public with convenient access to those opinions, Town Counsel will notify the Office of the Town Manager when such opinions have been filed with the Town Clerk. The Office of the Town Manager will maintain a current listing of those opinions and of the response, if any, of the Ethics Commission indexed according to the name of the person to whom such opinion has been rendered and the office, board, committee or agency of the Town in which such person is serving.

Town Employees may also directly request the Ethics Commission to issue a formal advisory opinion on a written statement of facts. Such a formal advisory opinion and an opinion of Town Counsel that has been submitted to the Ethics Commission to which no exception has been taken will be binding on the Ethics Commission so long as the facts have been accurately presented

The Board of Selectmen authorizes the Town Manager to request Town Counsel to provide to the Town Manager an opinion based upon the provisions of C. 268A and other relevant materials as to whether the past or prospective conduct of a Town Employee serving in an office, board, committee or other agency under the jurisdiction of the Town Manager constitutes an actual conflict of interest or gives rise to the appearance of a conflict under the provisions of that statute. Such a request and an opinion rendered upon it will not have the status of an opinion rendered under Section 22 and will be intended for the information and guidance in the administration of government under the Town Manager. At the time of requesting such an opinion the Manager shall inform the person whose conduct is the subject of the request that the request has been made, shall provide the person with a copy of the request and shall afford the person the opportunity, within a specified time, to supplement the information contained in such request. The Town Manager shall receive and forward any supplemental information to Town Counsel and shall provide the person with a copy of the opinion when rendered by Town Counsel. The request and the opinion will be subject to the provisions of the Public Records Law.



**Town of Framingham
Board of Selectmen**

Policy on Litigation Liaison Committee

Issue date: May 16, 2002

Type of policy: New (x) Amendment ()

Effective date: May 23, 2002

Level: Department () Division () Town Wide (x)

Policy Statement

The Board of Selectmen hereby establishes a Litigation Liaison Committee (“Liaison Committee”) for purposes of ensuring that Town funds devoted to litigation matters are prudently expended. The Liaison Committee will endeavor to ensure that the advice and experience of the Board of Selectmen, the Finance Committee, the Town Manager, Town Counsel, the Chief Financial Officer, and, when appropriate, the authority of Town Meeting, are considered in connection with important litigation-related decisions.

The Litigation Liaison Committee will provide for better coordination between the Board of Selectmen, the Finance Committee, the Town Manager, and Town Counsel relating to the expense of legal matters including legal costs (fees and expenses), liability for damages and the cost to the Town of obtaining money damages or other remedies to which the Town may be entitled.

Examples of such matters include:

- Cases that involve claims by town officers and employees for indemnification against personal liability for actions committed in the course of their duties for the Town.
- Cases in which the Town is insured against liability although retaining some exposure within the deductible or in excess of coverage. Although the Town’s exposure may be limited when the Town’s insurer has accepted responsibility for the costs of defense,

issues may still remain in those cases that might be appropriate for discussion with the Finance Committee.

- Cases requiring the expenditure of funds appropriated by Town Meeting to be expended under the direction of any Town officer, board, committee or agency, whether under the jurisdiction of the Town Manager, the Board of Selectmen or otherwise. They do not include cases financed by funds received by grants that may be expended without appropriation by Town Meeting.

References

Framingham Town Bylaws, Article II, Section 1

Framingham Town Bylaws, Article II, Section 5

Special Terms

None.

Policy Description

I. Composition

The Committee shall consist of the Chairs of the Board of Selectmen and the Finance Committee or their designees plus one additional member of each body, and the Town Manager. The members shall strive to achieve continuity by regular attendance and participation in the work of the Committee. The Committee may invite the attendance at its meetings of a representative of any other Town board or committee having an interest in a particular matter. The Committee shall be authorized to seek the advice of the Town Counsel, or of Special Counsel retained in particular matters, as required.

II. Meetings

The Committee shall meet regularly at least quarterly and shall meet on other occasions at the call of either of the Chairs of the Finance Committee or of the Board of Selectmen or the Town Manager.

III. Confidentiality

Meetings of the Committee shall be in executive session when appropriate under the Open Meeting Law and in compliance with that law. Committee minutes and records shall be maintained in accordance with the Public Records Law.

Meetings of the Liaison Committee will be subject to the Open Meeting Law, C.L. c. 39, Section 23B. The responsibilities of the Liaison Committee will frequently, if not invariably, involve matters that by law are permitted or required to be discussed only in executive session. The same reasons that permit private discussion of such matters also impose a requirement that Liaison Committee members treat all matters before the Committee as highly confidential in all circumstances and that such matters be disclosed only to persons that the Committee determines are required to know them in the course of their official duties.

IV. Responsibilities

The Committee's responsibilities shall include:

1. Estimating the costs and the value of the benefit to the Town of prosecuting or defending particular matters involving judicial or administrative proceedings that are chargeable to appropriations available for the purpose.
2. Estimating the costs and the value of the benefit to the Town of such matters where it is anticipated that a supplemental appropriation or transfer from the Reserve Fund may be necessary and appropriate.
3. Advising the Board of Selectmen, whether, by reason of financial impact or benefit, particular matters requiring the services of Town Counsel or Special Counsel should be prosecuted or defended by the Town.
4. Advising the Town Manager and the Chief Financial Officer of estimated costs and expenses for the purpose of managing the Town's cash flow.
5. Advising the Finance Committee as to requests for transfers with respect to matters under the Liaison Committee's responsibilities.
6. Reviewing with the Finance Committee, the Board of Selectmen and the Town Manager the use by Town boards and committees of counsel services with respect to timeliness and cost effectiveness.
7. Reviewing with Town Counsel, Special Counsel, or litigation counsel assigned by the Town's liability insurer the status of matters in litigation as to which the Town is uninsured or is exposed within the Town's retained liability or in excess of the Town's insurance coverage.

The Committee may decide, consistent with its responsibilities, from time to time, as to a particular matter or a class of matters, with respect to the nature of such matters or the amounts involved, that its participation in an advisory capacity is not required.

The Committee shall develop guidelines and make them available to all Town boards and committees concerning when particular matters that may come under the responsibility of the Committee should be brought to the attention of the Committee. Such guidelines may include

reference to when facts that might give rise to a claim or defense become known to such board or committee; when a formal claim or demand is made upon the Town; when a decision is to be made whether to commence litigation or a defense is required to be presented by the Town; and when some decision is to be made that may affect the amounts estimated or budgeted for a particular matter.

V. Effective Use of Counsel Services

It is important that all Town officers, boards and committees seek legal counsel at a time and in a way that is most cost effective. On occasion, that may require that the advice of counsel be sought when it will avoid situations that may give rise to disputes, misunderstandings and litigation. Such early participation by counsel may be especially valuable when involving contracts or other documents involving commitments to or from persons doing business with or seeking permits from the Town.

VI. Extent of Committee's Responsibilities

The stated responsibilities of this Committee are not intended to delegate to the Liaison Committee or to the Finance Committee the responsibility of the Board of Selectmen or Town Counsel under the Town Bylaws or state statutes with respect to the conduct of litigation (See Attachment A), or of any other board or committee of the Town that is authorized by statute or regulation to initiate or manage contested matters.



**Town of Framingham
Board of Selectmen**

Policy on Approval of Contracts

Issue date: July 24, 2003

Type of policy: New (x) Amendment ()

Effective date: July 31, 2003

Level: Department () Division () Town Wide (x)

Policy Statement

The policy sets forth the procedures that are to be followed in the execution of Town contracts.

References

Massachusetts General Laws, Chapter 30B
Massachusetts General Laws, Chapter 30, Section 39M
Massachusetts General Laws, Chapter 149
Massachusetts General Laws, Chapter 7

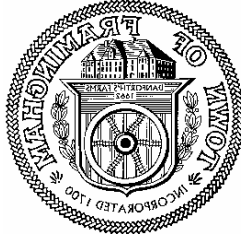
Special Terms

None.

Policy Description

1. Contracts that are procured through the Purchasing Department utilizing procurement procedures consistent with MGL Chapter 30B, MGL Chapter 30, Section 39M, MGL Chapter 7 and/or MGL Chapter 149, shall be approved in the following order by the parties so identified:

- a) The Contractor, who is the successful bidder to the contract;
 - b) The Chief Procurement Officer, who certifies that the contract was bid under generally accepted procurement practices, and ensures that all required bonds and insurance certificates are included and satisfactory;
 - c) The Town Counsel, who approves the contract as to form; and
 - d) The Town Accountant, who certifies that there is available funding for the contract, or in the case of a multi-year contract, available funding for the first year of the contract.
- 2. Contracts other than those procured through the Purchasing Department shall be approved by the Board of Selectmen or their designee.
 - 3. Contracts that relate to the sale, acquisition, or lease of real property shall be approved by the Board of Selectmen.



**Town of Framingham
Board of Selectmen**

Policy on Free Cash

Issue date: May 1, 2000

Type of policy: New (☒) Amendment ()

Effective date: May 8, 2000

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy statement sets forth the purposes and practices of expending certified Free Cash.

References

None.

Special Terms

Free Cash (sometimes referred to as “Undesignated Fund Balance”): A community's unrestricted available funds that may be used as a funding source for appropriations. Unreserved Fund Balance is generated when the actual operating results compare favorably with the budget. It can only be used after the certification process by the Department of Revenue is complete. For example, the July 1, 2000 certified amount may be used to fund supplemental appropriations voted during fiscal year 2001, or applied as a revenue source to support the fiscal 2002 budget voted in the Spring of 2001.

Policy Description

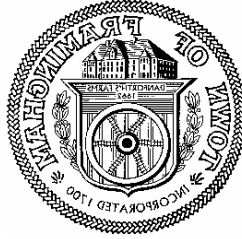
The Town shall, over a three-year period, phase out the practice of projecting free cash and instead not consider certified free cash as an available financing source until the fiscal year subsequent to the year in which it was certified as shown in the following example.

<u>Date Cert.</u>	<u>Free Cash Amt.</u>	<u>FY 98 %</u>	<u>FY 99 %</u>	<u>FY 00 %</u>	<u>FY 01 %</u>
6/30/97 (Act.)	\$1,152,339	\$770,893 (66%)	\$381,446 (33%)		
6/30/98 (Est.)	\$1,400,000		\$467,000 (33%)	\$933,000 (66%)	
6/30/99	xxxxx				xxxxx (100%)
TOTAL		\$770,893 (66%)	\$848,446 (66%)	\$933,000 (66%)	xxxxx (100%)

Rationale: The practice of projecting free cash to balance the budget is inherently risky since, by definition, a projection is based on assumptions. Given the significant deviation in Free Cash over the last eight years (as much as 235% difference from one year to the next) makes these projections even more hazardous. Should those assumptions not become reality, the town could be faced with a situation of having to reduce appropriations mid-year. In addition, by delaying the use of certified free cash, the town benefits by having an emergency source of funding in the event of unforeseen circumstances.

After the phase out of using projected free cash, certified free cash will only be used for one time only expenditures, capital items or for transfers into the stabilization fund.

Rationale: As stated above, free cash is, historically, an amount that varies considerably from one year to the next. Budgetary difficulties could occur if, in a year of a large amount of free cash, those funds were spent to support the operating budget and the subsequent year, the amount of free cash was less. Unless other revenue sources were available to make up the difference, reductions in services may have to be made. By using Free Cash for one time only expenditures or to build up reserves, one avoids the problem of using an unreliable source of funds to balance the operating budget.



**Town of Framingham
Board of Selectmen**

Policy on Debt Service

Issue date: May 1, 2000

Type of policy: New (☒) Amendment ()

Effective date: May 8, 2000

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy statement sets forth the parameters of debt service within the town's operating budget.

References

None.

Special Terms

None.

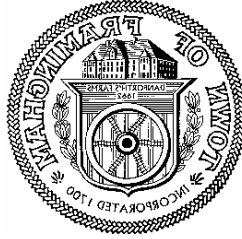
Policy Description

Debt service, net of State School Building Reimbursement, Enterprise Fund Debt and Proposition 2 ½ excluded debt, shall not exceed 5% of the town's operating budget.

Rationale: Excessive debt service expenses prevents the use of town funds from otherwise being spent for on-going services. Netting out State School Building Reimbursement, Enterprise Fund Debt and Proposition 2 ½ excluded debt is appropriate since each of these types of debt is fully or partially funded by dedicated revenue sources.

In the absence of an appropriation from the operating budget, available free cash or other “one-time” only revenue sources, debt service shall be maximized to the 5% level in order to fund the capital programs of the Town.

Rationale: In order to minimize debt service, the capital budget should ideally be funded first, from a direct appropriation from the operating budget or second, from available free cash or other one-time only revenue sources. However, in the absence of the availability of these funding sources and in recognition that postponing or ignoring necessary capital improvements would be detrimental to the town, a reasonable use of debt service is appropriate and necessary.



**Town of Framingham
Board of Selectmen**

Policy on Capital Budget

Issue date: May 1, 2000

Type of policy: New (☒) Amendment ()

Effective date: May 8, 2000

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy statement sets forth the definition for, and examples of, capital projects that are funded through the capital budget.

References

None.

Special Terms

None.

Policy Description

A capital project asset is generally defined as having a useful life of five years or more and a value of \$25,000 or more. Capital project items are further defined as follows:

Land: The acquisition through purchase, long-term lease, with or without conditions, of undeveloped real estate. If an acquisition of land is associated with the acquisition of a building or an infrastructure project, the project should be categorized in those respective categories.

Building: The replacement, renovation, addition to, construction or acquisition through purchase or long-term lease of a building structure or a major component thereof.

Infrastructure: This category would include such things as water and sewer pipes, pumping stations, road work, sidewalks, traffic signals, drainage systems and other improvements of a lasting nature but not related to building structures.

Equipment (Rolling): All equipment that meets the definition of a capital project item that is capable of self-propulsion from one location to another.

Equipment (Non-Rolling): All other equipment that meets the definition of a capital project item. The item may be transportable, however, if it is capable of moving under its own power it should be classified under “equipment (rolling)”. If the item is a piece of equipment that is intended to be permanently installed in a building such as an air conditioner or a furnace, that item should be classified under the building category.

Rationale: Recognizing that items that do not meet the definition of a capital asset as stated above would have to be included in the operating budget of the respective divisions, the limit of \$25,000 or more and a useful life of more than five years strikes an appropriate balance between what should be included in the operating budget and what should be included in the capital budget. Any definition larger or for a longer period of time than stated above may distort the operating budget of the requesting department, especially the smaller ones. Any smaller amount or for a shorter period of time may result in the town borrowing funds for a longer period of time than its useful life.



**Town of Framingham
Board of Selectmen**

Policy on Stabilization Fund

Issue date: May 1, 2000

Type of policy: New (☒) Amendment ()

Effective date: May 8, 2000

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy statement sets forth the parameters for the stabilization fund, as it relates to the town's operating budget.

References

None.

Special Terms

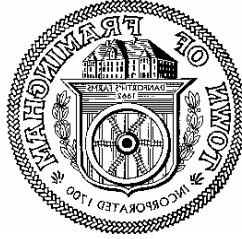
None.

Policy Description

It shall be the goal of the Town of Framingham to have an amount in the stabilization fund at least equal to 5% of the operating budget of the town. When the balance of the stabilization fund is less than the 5% level, no appropriations will be considered unless in cases of extreme fiscal emergency.

Rationale: The advantages of having a moderate amount of funds in the stabilization fund are numerous. First, it assists in the town maintaining a high bond rating, thus reducing our

borrowing costs. Second, it is available for short-term cash flow purposes, also reducing our borrowing costs. Third, and most important, it provides a buffer for downturns in the economy which could result in significant budgetary disruptions.



**Town of Framingham
Board of Selectmen**

Policy on Tax Title Property

Issue date: June 1, 2001

Type of policy: New (☒) Amendment ()

Effective date: June 8, 2001

Level: Department () Division () Town Wide (☒)

Policy Statement

The following outline is intended as both a guideline for the legal requirements of each step involving the tax taking procedure and as the Town of Framingham's specific policies with respect to moving through each step of the tax title process.

References

None.

Special Terms

None.

Policy Description

I. General Information

The creation of a tax title is the most effective remedy in the collection of taxes on real property. It permits the collector to relieve the liability and credit the commitment of the

delinquent taxes as though the tax had been collected. It then becomes the obligation of the treasurer to liquidate the uncollected charges.

There are various reasons to proceed with a formal tax taking and all collectors are urged to do so as quickly as possible under Massachusetts General Law. Failure to place a property in tax title may place the Town in a position where it loses its right to recover any taxes due after the third year a property has been in delinquency.

II. Demand Bills

After the due date of the fourth quarter real estate bill has passed, usually May 1 of each year, a demand must be mailed to the delinquent taxpayer. The taxpayer must be allowed 14 days to make payment on a demand bill, although interest still accrues during this time period.

III. Notice of Tax Delinquency

After the due date of the demand bill has passed, a notice of delinquency should be mailed to each property owner who still has an outstanding tax balance. A sample of the format of this notice is attached. The taxpayer must be given 30 days to make payment, although interest still accrues during this time period.

IV. Notice of Advertising

After the due date of the notice of tax delinquency has passed, a notice of advertising should be mailed to each property owner who still has an outstanding tax balance. A sample of the format of this notice is attached. The taxpayer must be given 14 days to make payment on this notice, although interest continues to accrue during this time.

IMPORTANT NOTE: Failure of the delinquent taxpayer to receive the demand bill or the notices of delinquency or advertising does not in any way invalidate the proceedings for the collection or enforcement of the tax.

V. Advertising and Posting

If the taxpayer remains delinquent after the due date of the notice of advertising, the Town must publish a legal notice in the local newspaper stating each property that is to be recorded in tax title by map, block and lot, land court number, if applicable, property address, property owner name, book and page of deed and the amount the taxpayer is past due for tax and liens added to tax. If the taxpayer is delinquent more than one fiscal year, only the first year's taxes need to be published.

This legal notice should also be posted in two public places on Town property where the public would have easy access to read the notice. For example, posting at the tax collector's window and at the main posting board of the library is acceptable. A sample legal notice is attached.

Again, the taxpayer must be given 14 days to make payment from the date of the advertising before an instrument of taking is recorded at the Registry of Deeds. Once the 14 days passes, the instrument of taking must be recorded at the Registry of Deeds within 60 days of the advertising date to be considered a valid taking. A sample instrument of taking is attached.

After the instrument of taking is recorded at the Registry of Deeds, the Treasurer should notify each property owner so recorded with the mailing of a notice of tax lien. A sample notice is attached.

VI. Reporting

Once the taking has been filed, the Treasurer must produce a report for the Collector and Town Accountant detailing each property placed in tax title and the total dollar amount of receivables that should be removed from the collector's commitment and recorded as a tax lien receivable with the Town Accountant.

VII. Handling Tax Title Accounts

Once a taxpayer is in tax title status, if the taxpayer has a delinquent balance in the next fiscal year, there is no requirement to send the taxpayer any notice except the demand bill. There should be no advertising in the newspaper. The accounts that are delinquent should be subsequented into tax title by a certificate from the Collector to the Treasurer and Town Accountant at the close of the fiscal year, but no later than September 1st.

Again, the certificate of subsequent taking should detail all properties subsequented to tax title and the dollar amount of the receivable being transferred from delinquency status to tax title status.

Once the taxpayer has paid the tax title account in full, the Treasurer must produce an instrument of redemption to release the taking recorded at the Registry of Deeds.

If the taxpayer is not making payment on the tax title account, the city or town must then determine whether to proceed to foreclosure on the property. This is to be detailed in a separate policy.



Town of Framingham
Board of Selectmen

Policy on Foreclosure of Property in Tax Title

Issue date: August 22, 2002

Type of policy: New (☒) Amendment ()

Effective date: August 29, 2002

Level: Department () Division () Town Wide (☒)

Policy Statement

This policy sets forth property foreclosure guidelines and thresholds for determining whether a property in tax title will be moved into the foreclosure process, and describes the various collection actions that may be taken prior to, or as part of, the foreclosure process. This policy is intended to provide recommended guidelines for the Town, but omission to follow this policy in any particular case will not invalidate any foreclosure proceedings that are otherwise in compliance with state law or regulations.

References

Massachusetts General Law, Chapter 60, Section 65 through 84A

Massachusetts General Law, Chapter 21E-Mass. Oil and Hazardous Material Release Prevention Response Act

Definitions

Tax Title Property: A property in tax title is one with respect to which the Town of Framingham has recorded at the Registry of Deeds a lien for non-payment of real estate taxes.

Tax Taking: A certificate, in a form authorized by the Commonwealth of Massachusetts, that indicates a property will be placed in tax title for non-payment of real estate taxes. This is also referred to as an instrument of taking.

Foreclosure Committee: A committee comprised of the Town Treasurer, the Chief Assessor, the Building Commissioner, and the Town Manager or his designee, and the Director of Planning and Economic Development. The Committee will review properties for foreclosure and will recommend to the Town Manager whether foreclosure proceedings should be commenced, stopped or suspended.

Hold Status: If at any time during the foreclosure process, the Town Manager, after receiving a recommendation of the Foreclosure Committee, decides to stop or suspend the foreclosure proceedings, the foreclosure process will be stopped or suspended and while in that status no further foreclosure action will be taken.

Policy Description

- I. No foreclosure proceeding will be commenced until the expiration of six months after the date of recording the notice of tax taking at the Registry of Deeds.
- II. An initial letter warning of prospective foreclosure will be sent by the Town to the assessed owner of each property eligible for foreclosure, whether or not the property has been recommended for foreclosure.
- III. Properties that meet the following criteria will be considered as eligible for foreclosure:
 1. The property has been in tax title for at least two fiscal years following the year in which the tax lien was recorded at the Registry of Deeds.
 2. No regular and consistent payments of unpaid taxes, whether under an approved payment plan or otherwise, have been made in a manner acceptable to the Town since the property was placed in tax title which, if continued on a regular basis would be sufficient to pay all taxes and interest due within 36 months after the date of recording of the tax lien.
- IV. The Foreclosure Committee will review, at least as frequently as every six months, the status of each property as to which a notice of tax lien has been recorded and recommend to the Town Manager the properties that should be considered for foreclosure. In making its recommendation, the Committee will consider:
 1. The sufficiency of the appropriation for legal fees to cover the expenses of foreclosure.
 2. The characteristics of the property, including:
 - Location;
 - Condition;
 - Assessed value;

- Environmental condition (21E status);
 - Marketability at auction;
 - The amount of the unpaid taxes, fees and accrued interest in relation to the assessed value and the estimated current market value of the property.
 - The expenses estimated to be incurred by the Town of Framingham to maintain the property after foreclosure (maintenance, utility costs, property and liability insurance, police protection, etc.).
3. The amount of past due taxes, fees and accrued interest in relation to that of other properties eligible for foreclosure.
- V. The assessed owner of any property upon which unpaid taxes are due may at any time prior to, or during, the foreclosure process, present a payment plan in writing to the Treasurer. If the following guidelines are met, the Treasurer, with the approval of the Foreclosure Committee, may put the property in hold status and stop or suspend further foreclosure activity. Any such hold status may be terminated by the Treasurer upon failure of the assessed owner to comply strictly with the terms of an approved payment plan.
1. An initial payment must be made on the date of the plan of 10% of the amount due, or \$10,000, whichever is the lesser.
 2. The payment plan must provide for regular payments (weekly, monthly or quarterly) that will pay in full the tax title account within 36 months or less from the date of the plan, depending on the amount owed. The Treasurer may require that the payment plan provide for the amount due to be paid in less than 36 months, but in no case shall the payment schedule extend beyond 36 months.
- VI. If the assessed owner fails to make a payment according to the payment plan within 30 days of the due date of the payment, the Treasurer has the discretion to either issue a warning notice and a demand for payment or other response within 14 days, or to terminate the payment plan without such notice if the Treasurer deems such termination without notice to be required to protect the interests of the Town. If a notice and demand is issued and there is no response from the assessed owner, the Treasurer shall take property off hold status and continue the foreclosure action.

If, within the time allowed, the assessed owner presents extenuating circumstances for the failure to comply with the payment plan, the Treasurer will notify the Town Manager and will recommend appropriate action so that the Manager can decide whether the circumstances are sufficient to allow the property to remain in hold status.

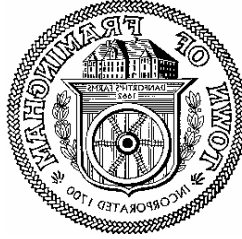
All payments on a tax title account must be made by cash, cashiers or certified check. If the assessed owner requests in advance of the due date leave to pay by personal or company check and permission is granted, no certificate of redemption will be issued

until the Town has verified that the check has cleared the bank and the funds are good.

- VII. The Town will not permit the former assessed owner to redeem the property after issuance of a final judgment of foreclosure if any one of the following conditions exist:
- a. One year has elapsed since the issuance of the final judgment by the Land Court;
 - b. The Town has auctioned the property;
 - c. The Town has transferred the property to or placed it in the custody of a Town department for municipal use;
 - d. The Town has invested a substantial amount in the property, as determined by the Town Manager;

During the one year after the issuance of the final judgment from the Land Court, if the former property owner exercises the right to petition the Land Court to vacate the judgment the Town will oppose the petition unless: the Town has not taken any of the actions described in Sub-sections VII. a. through d., and the previous owner has paid all of the amounts due plus fees and expenses incurred by the Town in connection with the foreclosure proceeding, of the Town, and any taxes, plus interest, that would have been assessed and accrued during the period from the entry of the final judgment through the date of filing of the petition to vacate. To secure the Town's consent to allowance of the petition, all such amounts must be paid in current funds in full in no later than the time of filing of the petition.

- VIII. After the expiration of one year from the entry of the final judgment, if the Town has taken none of the actions described in sub-section VII. a. through d., the former assessed owner, or any other person acting on behalf of such former assessed owner, may offer to redeem the property under the same conditions applicable to the former assessed owner, This offer shall be presented to the Board of Selectmen. The Board of Selectmen may in its sole discretion decide whether to accept or reject any such offer.



**Town of Framingham
Board of Selectmen**

Policy on Alcohol Licenses

Issue date: June 17, 1996

Type of policy: New () Amendment (x)

Effective date: June 24, 1996

Amendment date: September 6, 2005

Level: Department () Division () Town Wide (x)

Policy Statement

In view of the current state of liquor licenses across town and the dwindling supply of new licenses available, the Board deems it in the public interest to encourage variety, uniqueness, and greater choice for the public in liquor establishments and vendors.

This policy exists solely for the assistance of the Board of Selectmen, the public, and prospective liquor license applicants, to enable them to work together to accomplish the goal of greater choice. It is understood that many of these considerations are subjective and will be interpreted and given weight according to public demand and the judgment of the Board of Selectmen. Prospective applicants are advised that meeting any or all of the considerations will not guarantee approval of a license. This policy is not intended to and does not create or supersede any rights already controlled by any relevant laws or regulations. It also provides the applicant with the penalty structure to be followed if liquor violations occur. It should be emphasized that the purpose of this policy is primarily preventative, not punitive. It is the Town's position that license holders and their employees are in the best position to prevent alcohol abuse originating on the licensed premises.

The Board of Selectmen takes seriously the responsibility of granting liquor licenses and expects all applicants to adhere to the policy requirements relative to security precautions.

References

M.G.L., Chapter 138; Chapter 140, Section 183D

Special Terms

None.

Policy Description

I. General

1. The applicant must meet the requirement of Massachusetts General Laws, Chapter 138, and any other applicable town or state laws.
2. All employees serving alcohol to the public are required to have successfully completed an alcoholic beverage server training program which has been approved by the Town. This shall include manager, assistant manager, and persons responsible for viewing identification cards to determine age of patron for service of alcohol. All employees engaged in serving alcoholic and/or viewing of identification cards shall be certified within fourteen days of employment. Managers and Assistant Managers shall be certified prior to assuming the duties of Manager or Assistant Manager. All alcohol servers shall attend periodic retraining programs at least bi-annually that reinforce the certification training. Records of retraining shall be submitted to the Framingham Police Department annually in December.
3. Town of Framingham Alcohol Server identification cards shall be required for all certified servers that are employed in the direct sale and service of alcoholic beverages. This shall include manager, assistant manager, and persons responsible for viewing identification cards to determine age of patron for service of alcohol. All servers shall be registered with the police department within fourteen days after employment. The Manager and Assistant Manager shall be registered prior to assuming the duties as Manager or Assistant Manager. Such ID cards shall be carried on the server's person or otherwise available for inspection.
4. Wrist-Bands or any other kind of markings are prohibited as a method of identifying persons to be served alcoholic beverages.
5. "Happy Hours" are prohibited as outlined in section E.
6. Cover charges are not permitted except in compliance with MA General Laws Chapter 140, Section 183D and 204 CMR 2.16.
7. The licensing of liquor establishments and vendors, and what constitutes the public convenience in Framingham, will be subject to the informed discretion of the Board of Selectmen.
8. Successful completion of a Town of Framingham Annual Alcohol License Seminar shall be mandatory for Manager and/or Assistant Manager of licensed establishments. The Town will provide at least seven days advance notice of such seminar.

A. This Policy Applies To:

1. License transfers involving a change of location, ownership, or business for example, (change of type of restaurant).
2. New Licenses.
3. One Day or Special Licenses.

B. Considerations for Approval of New License or Transfer:

The Board will consider any or all of the following that can be reasonably offered in support of a particular license application:

1. The applicant is a qualified veteran's organization and seeks a club license.
2. The applicant proposes an establishment that offers a regular forum for music and musicians to play and get exposure for their work.
3. The applicant offers variety, or uniqueness, in its proposed establishment or shop, in contrast to what exists in Framingham at the time of the application. For example the Board of Selectmen have a commitment to revitalization of downtown. A unique "white tablecloth" restaurant would be encouraged.
4. The applicant proposes an establishment that offers a substantial economic benefit to the Town of Framingham.
5. Proposals for establishments to be located in shopping malls or high density retail areas, either as new licenses or transfers, are discouraged, if they duplicate what is already located there.

C. One Day or Special Licenses:

The following types of organizations and individuals are eligible for one-day alcoholic beverage licenses under this policy. Other organizations or individuals may submit applications for consideration.

- Civic or municipal organizations
- Commercial establishments
- Fraternal organizations
- Non-profit organizations
- Non-profit unincorporated associations
- Individuals holding social events
- Unincorporated groups or organizations not engaged in the sale for profit of alcoholic beverages.
- Service clubs
- Veteran's organizations

CRITERIA FOR APPROVAL:

The following matters will be taken into account in approving one-day licenses:

1. **ADMISSION AGE:** The Board will not deny a one-day license for a function at which individuals to whom alcoholic beverages may not be supplied are present, but will require that sufficient trained servers are present to assure

compliance with the laws governing the sale or furnishing of alcoholic beverages to such persons.

2. **FREQUENCY:** The Board considers that one-day licenses are to be issued primarily to applicants sponsoring functions that are not held more than once annually. Except for applicants that are in the business of catering or accommodating individual functions, one-day licenses are not intended as an alternative to an annual license.

3. **ACCEPTANCE OF CONDITIONS:** Acceptance of a one-day license under this policy will be deemed to be an acceptance of the conditions of the license and an agreement with the Town of Framingham to be bound thereby.

CONDITIONS TO BE CONTAINED IN ONE-DAY LICENSES:

1. **CERTIFICATION OF SERVERS:** All persons engaged in furnishing alcoholic beverages at a licensed function, whether by sale or without charge are required to be certified servers. All servers must be certified as having completed an approved alcoholic beverage training program and have evidence of such valid certification in their possession. Commercial caterers and accommodators must be registered with the Framingham Police Department.

2. **NUMBER OF SERVICE PROVIDERS:** The number of bartenders and servers shall be recommended to the Town Manager by the officer of the Framingham Police Department designated to review applications for one day licenses and shall be determined by the Town Manager as appropriate for the number of persons estimated to be in attendance and the nature of the event. For functions at which attendance is by invitation only, the number of persons included in the invitations shall be used.

3. **HOURS OF SERVICE OF ALCOHOLIC BEVERAGES:** The hours of sale and service shall for all one day licenses be 1:00 a.m. The “last call” for all such licenses shall be no later than 12:30 a.m. The function shall conclude at 1:00 a.m., at the same hour as the license. Entertainment licenses shall state that the function shall conclude at 1:00 a.m.

4. **NUMBER OF PERSONS ON PREMISES:** The number of persons may not exceed the occupancy limits allowed by law for the premises on which the license will be exercised.

5. **POLICE DETAIL:** The number of officers, if any, and the hours during which a police detail will be required within the licensed premises and, if required, for orderly parking and traffic control will be recommended by the Police Department. Generally those hours will include the entire duration of the function, including after service hours. The factors to be considered include the location of

the premises, availability of on-site parking, the number of persons estimated to be in attendance and the time and duration of the function

ADDITIONAL PROVISIONS:

Departmental Approvals: the Board of Health and the Building Inspection Department must approve the licensed premises, including, where applicable, food service equipment. For any function to which the general public will be admitted, the Building Inspection Department must approve the licensed premises as meeting handicap accessibility requirements.

Neighborhood Impact: The applicant or such other person designated by name, address and local telephone number in the application will be responsible for the orderly conduct of the function for which the license is issued. Consumption of alcoholic beverage outside of the structure within which the licensed function is to be held will not be permitted. Music, noise, or other function related activities must not create an undue imposition upon any adjacent residences. Police detail officers will be instructed to respond appropriately to complaints. Such response may include an order to terminate the event or otherwise limit the offending activity.

Submission of Applications: Applications must be complete with all necessary endorsements when submitted to the Licensing Office and shall be submitted sufficiently in advance of the day upon which the licensed function is to begin so that it can be reviewed and approved. Applicants should note that if an application is denied by the Town Manager, and review by the Board is sought, the application must have been submitted sufficiently in advance of the event to allow review of the denial at a regular meeting of the Board as provided below.

When submitted each application must be endorsed with the approval of the Board of Health, the Building Inspection Department (including issues of handicap accessibility if required) and the Police Department (as to police detail required and number recommended of bar tenders and servers). The Town Manager is hereby authorized to approve on behalf of the Board one-day licenses meeting the requirements of this policy. Applications that are not approved by the Town Manager may be brought to the Board for approval and shall be accompanied by the Town Manager's summary of reasons for declining approval. The office of the Board must receive such requests for Board approval not later than noon on the Tuesday of the calendar week before the day on which the licensed function is to begin.

License Application Fee:

No fee will be charged for one day licenses for single occurrence events such as weddings, charitable fund raisers, etc whether or not the application is submitted by the real party in interest or by a caterer or accommodator or other commercial provider. One day licenses for events associated with commercial activities such as business promotional activities, business meetings, conventions, trade association events, etc will be charged a fee of \$50.00 for each license application.

D. Hours of Operation

The “Official Opening and Closing Hours” are those which are designated on the licensee’s liquor license.

Last call shall be at least fifteen (15) minutes before the “Official Closing Hour”. No alcoholic beverages may be served after the “Official Closing Hour”.

All tables and bars must be cleared of all glasses, bottles and containers of alcoholic beverages within one-half hour after the “Official Closing Hour” and all customers must be off the premises by that time.

Owners and employees must be off the premises no later than sixty (60) minutes after the “Official Closing Hour”, provided however, that such owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next day’s business or opening or closing the business in an orderly manner. No employee or owner shall consume alcohol on the premises nor serve any alcoholic beverages before the “Official Opening Hour” or after the “Official Closing Hour”. Provided, further, that any such licensee or his manager shall not be prohibited from being upon such premises at any time; provided further, that the employees, contractors, subcontractors shall not be prohibited from being on the premises at any time for the purpose of cleaning, making renovations, making emergency repair to or providing security for such premises or preparing food for the day’s business or opening or closing in an orderly manner.

Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Non Alcoholic Common Victualer licenses are not permitted to keep alcoholic beverages on the premises except for a reasonable small quantity that is used in preparation of certain specialty foods.

E. Change of Manager

An application for change of manager must be filed with the Board of Selectmen at least two (2) weeks before the proposed effective date of the change, unless the approved manager has terminated his or her employment without prior notice to the licensee. In that case, by the close of the next business day following the termination

of employment the licensee must notify the Board of the name of the person who will discharge the duties of manager pending selection and approval of a new manager.

If the employment of the approved manager is terminated by the licensee, or if the approved manager is replaced, transferred, or for other reason due to action by the licensee is no longer serving as manager, the licensee must file an application for change of manager at least two weeks before the action is taken by the licensee and must obtain approval of the application before changing the manager.

If circumstances other than those stated above require a licensee to make a change in manager without timely filing the required application, the licensee shall file the application at the earliest practicable time and must include a detailed statement of the circumstances. If the Board finds that the circumstances justify the non-compliance, no penalty will be imposed. If the circumstances are not found to be sufficient, the Board may impose a penalty of suspension that may be up to one day of suspension for each day of unjustified non-compliance.

When submitting an application for change of manager or assistant manager, the manager or assistant manager shall be certified as an alcohol server and registered with the police department prior to submitting the application.

F. Responsibilities of Manager:

1. The Board of Selectmen regards the Manager of licensed premises as the principal representative of the licensee and as having full authority and control of the licensed premises and of the conduct of all business therein relative to alcoholic beverages, all as provided in General Laws c. 138, § 26. In addition, an Assistant Manager or other suitable managerial employee capable of fulfilling the duties of Manager must be listed on the license by the Licensee. This will allow for continuity of the Manager position, should either the Manager or Assistant Manager positions become vacant during the course of the year, while the Licensee files an application for Change of Manager with the Board.
2. Without limiting the scope of the previous subsection, the Board will hold the Manager responsible for the following:
 - a. Careful selection of qualified employees of the licensed business, including servers, clerks and persons who are engaged with the public in any capacity.
 - b. Training of employees in all matters relating to the sale or service of alcoholic beverages.
 - c. Assuring that employees serving alcohol to the public have successfully completed an alcoholic beverage training program for serving alcohol responsibly, possess a valid Town of Framingham Alcohol Server identification card referred to in Section II, Paragraph 3 of this policy, and provide for continual training of employees engaged in serving and selling alcoholic beverages.

- d. Promptly reporting to the Police Department all instances of attempted purchases or procurement of service of alcoholic beverages by minors, including attempts to gain access to premises upon which alcoholic beverages are served and from which minors are excluded, and appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confiscation of liquor identification cards or motor vehicle operator's license presented by the minor; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
 - e. Enforcement of the liquor laws and the Alcohol Policy of the Town of Framingham with respect to the operation of the licensed business.
 - f. Ensuring that the Manager and/or Assistant Manager attends and completes the mandatory Annual Town of Framingham Alcohol Policy seminar.
3. Except as provided herein, the Manager must be a full time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed business, and must be a qualified seller or server of alcoholic beverages registered with the Framingham Police Department. The Manager must be on the licensed premises regularly in the course of business, consistent with the permitted hours of operation. When the Manager is not upon the premises, the person actually in charge of the business must be a qualified seller or server of alcoholic beverages registered with the Framingham Police Department and designated by the approved Manager to have charge of the business in the Manager's absence. When the Manager is not upon the premises a method of contacting the Manager promptly must be arranged so that the Manager can be reached at all times by the person designated to be actually in charge of the premises.

The provisions of the first sentence of this sub-section 3 shall not apply to any licensee holding a license issued under Mass. Gen. Laws c. 138, Section 12 to a veterans organization or to a licensee holding a license issued to a club under Mass. Gen. Laws c.138, Section 17.

4. Any person who is actually in charge of the business when the Manager is not on the premises must be qualified as a seller or server of alcoholic beverages in accordance with the policy of the town. The Manager will continue to be responsible for the operation of the business whether or not on the premises.
5. Failure of the Manager to comply with this policy or to properly discharge the duties of manager may result in removal as manager or suspension or revocation of the license as may be appropriate to the circumstances.

G. Distribution of Policy:

This policy, in its most updated form, shall be mailed to all licensees with their annual renewal application and with each application for change of the licensed manager.

II. Procedure

The applicant should submit a letter to the Board of Selectmen outlining the proposal and including a request for a hearing with the Board. The applicant should request to be placed on the agenda and publish a public notice of the date selected for the hearing in accordance with the statute. At the public hearing the Board will consider the application for a liquor license and the input of any interested members of the public. The Board will then consider the application and respond in a timely manner to the applicant.

III. Penalty Structure:

A. Purpose

The purpose of this penalty procedure is to improve the ability of the Board of Selectmen to prevent alcohol abuse and violation of the liquor laws of the Commonwealth. This procedure will help to achieve reasonable uniformity in the imposition of penalties and to avoid confusion in the minds of the public, patrons and licensees due to a lack of understanding of the consequences of violating the liquor laws and the terms of liquor licenses.

B. General Statement of Policy

1. No licensee shall permit any illegality to occur on the licensed premises. The manager shall at all times maintain order and decorum on the premises and in the immediately surrounding area of the premises and shall co-operate with Town Officials in ensuring safe and orderly facilities.
2. All violations of the liquor laws and the terms of liquor licenses are to be reported to the Board by the Police Department or by any licensee or manager that becomes aware of an offense involving the licensed premises within two weeks of said violation.
3. Penalties for offenses will be imposed so as to promote compliance with the Town's objective of preventing future offenses and imposing appropriate penalties for offenses that have occurred.
4. The nature and severity of the penalties will be decided according to the nature of the offense and the presence of mitigating or aggravating circumstances that are described in this policy.
5. All offenses by licensees will result in the imposition of a penalty of some degree. This will impress upon licensees, managers, and servers their responsibility for ensuring compliance with this policy, for prevention of offenses and for compliance with the terms of licenses and the liquor laws of the Commonwealth.

6. Penalties may consist of any one or more of the following as appropriate: revocation of license; suspension of license; criminal prosecution of offenders, including customers and patrons as deemed appropriate by the police chief; and mandatory participation in alcohol abuse and offense prevention programs as more fully described in Section I.
7. The Police Department is authorized to negotiate with any person the terms upon which the Police Department will recommend to the Board that an offense be resolved. Any such negotiated recommended resolution must be in writing, signed by the manager or license holder charged with the offense and approved by the Police Chief. The recommendation must include a statement detailing the facts determined in the Police Department investigation. The recommended resolution is not binding unless and until approved by the Board.
8. If the Police Department and the manager and/or license holder charged can not agree on a recommended resolution, the Police Department will make any additional investigation it deems necessary for a complete presentation of the facts and will file a written report with the Board.
9. The Police Department will give a copy of that report to the manager and/or license holder charged if requested before the hearing on the offense.
10. The penalty guidelines stated in this policy are intended to create a clear and definite expectation as to the penalty the Board will impose if a hearing is held on any offense. The Board will refer to these guidelines by deciding whether to approve a negotiated recommended resolution.
11. If the Board does not approve a negotiated recommended resolution a new hearing will be scheduled. The person charged may withdraw the consent to the recommendation and contest all relevant matters at the hearing including any matters which had been admitted in the statement of facts in the proposed recommended resolution.
12. The Police Department and the Board will maintain a public record of offenses and their disposition that will be indexed according to the licensee/ manager, server and purchaser involved.

C. Determination of Penalties

Penalties will be determined according to the following procedure.

1. The base level offense(s) will be determined from those offenses described in Section D.
2. Adjustments according to the presence of factors that warrant an increase in the penalty ("aggravating factors") described in Section E. or decrease ("mitigating factors") described in Section F. will be considered.
3. Adjustments according to the number of violations involved in the particular offense will be considered.
4. Adjustments according to the offender's acceptance of responsibility described in Section F.2. will be considered.

5. Increases according to the number and circumstances of prior violations and penalties previously imposed upon the offender described in Section H. will be considered.
6. Adjustments according to the consequences of the base level violation described in Section I will be considered.

D. Base level offenses

1. Sale outside of permitted hours (Gen. Laws ch. 138 Sec. I 2) All references are to sections of Gen. Laws ch. 138 unless otherwise noted
2. Purchase by person under age 21 (Sec. 34A)
3. Employment by licensee of person under age 18 for direct handling or selling of alcohol
4. Sale or delivery to a person under age 21 for own use or for use of another. (Sec. 34)
5. Sale to an intoxicated person. (Sec. 69)
6. Hindering or delaying investigation. (Sec. 63A)
7. Failure to post notice of penalty for driving under the influence and driving while drinking from open container of alcoholic beverage. (Sec. 34D)
8. Failure to comply with section 204 CMR 4.03 of the ABCC regulations as follows:
 - (a) No licensee or employee shall offer or deliver any free drinks to any person or group of persons:
 - (b) deliver more than two drinks to one person at one time;
 - (c) sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
 - (d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
 - (e) sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - (f) sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
 - (g) increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

E. Aggravating Factors

1. Failure to request identification card, operator's license or passport.
2. Juvenile appearance of purchaser.
3. Use of altered identification.
4. Refusal to cooperate in investigation.

5. Multiple sales on same occasion.
6. Quantity of beverage sold.
7. Staff not suitably trained.
8. Unregistered server.
9. Server unable to provide Server ID card upon request.
10. Under age server.
11. Violations of other laws such as: prostitution, solicitation, drugs gambling, disorderly conduct, cigarette sales to minor
12. Concealing violation.
13. Furnishing false information to investigator.
14. Exceeding lawful capacity of premises.
15. Intimidating or coercing witnesses or attempting to do so.
16. Offense occurring while under suspension of penalty.
17. Sale occurring while license suspended.
18. No participation in Board's Prevention of Alcohol Abuse Program.

F. Mitigating Factors

1. Reasonable reliance upon an identification card or operator's license for proof of identity or age. (Gen. Laws ch. 138 Sec. 34B)
2. Acceptance of responsibility as shown by;
 - Substantial and voluntary assistance offered in investigation.
 - Public acknowledgment of responsibility
 - Agreement to participate in training program by licensee, manager, and servers.
 - Prompt notice of decision not to contest charge and agreement to proposed recommended resolution.
 - Licensee agreement to participate in an effective program to detect and prevent future offenses.

G. Previous Violations

1. Same offense.
2. Different offense.
3. Recent prior offense.
4. Same manager.
5. Same server.
6. Severity of prior penalty.
7. Offense while under suspension of prior penalty.

H. Consequential Misconduct Related to an Offense

1. Operating under the influence.
2. Causing personal injury.
3. Causing property damage.
4. Disturbance of the peace.
5. Domestic violence.

I. Imposition of Penalties or Other Outcomes

The Board will impose penalties for offenses consistent with this policy. Offenders may expect one or more of the following consequences as appropriate in the judgment of the Board.

1. Suspension of license for a stated number of days and specified dates.
2. Suspension of license for a stated number of days and specified dates with a portion of the suspension deferred upon condition that no further offenses occur within a specified period of time and that licensee waives right to hearing upon such further offense.
3. Revocation or suspension of registration of server for a specified period of time after a due process hearing for cause, and thereby limiting or preventing the employment of a server by a licensee within the Town.
4. Mandatory participation in prevention programs by licensee/ manager and server as appropriate.
5. Appropriate publicity of offense and disposition.

J. Reporting of Violations and Penalties Imposed

The Board shall receive bi-annual reports from the Police Department and/or Licensing Administrator detailing violations of this policy from the date of the previous reporting period, and the penalties imposed by the Board for said violations. Reports shall be submitted to the Board no later than May 1 and November 1. The Board will use these reports to analyze what factors are commonly associated with violations, such as over-serving, underage serving, failure of serving training or registration, etc. This process will allow the Board to periodically review this policy and recommend any areas of the policy that need to be amended.



**Town of Framingham
Board of Selectmen**

Policy on Abatement or Adjustment of Water and Sewer Charges

Issue date: December 2, 1999

Type of policy: New (x) Amendment ()

Effective date: December 9, 1999

Level: Department () Division () Town Wide (x)

Policy Statement

The costs associated with the operation of the Town's water and sewer services are paid for by user charges pursuant to an enterprise accounting system. These charges, for the most part, are determined by the amount of the service consumed, i.e., the number of water units used or sewerage treated. Customers are also charged for miscellaneous services such as meter replacements, unplugging pipes, connection fees and other occasional services. Since errors can and do occur in recording and calculating consumption of water and sewer services as well as in the calculation of miscellaneous charges, it is the policy of the Town to correct such errors and to make a corresponding adjustment in customers' bills.

For billing purposes the Town assumes that sewerage use equals water use. When a customer can demonstrate that a quantity of water billed to the user did not go into the sewerage system, the Town will make a reasonable adjustment in the user's bill.

This policy establishes a formal appeal process by which a customer can obtain a review of a determination regarding a customer's application for abatement or request for adjustment if the user is not satisfied by a decision by the Director of Public Works or if the user seeks an abatement or adjustment that is not within the power of the Director to grant.

References

M.G.L., Chapter 44, Section 53½F

M.G.L., Chapter 59, Section 5

Special Terms

- A) **Abatement:** A change in an issued utility bill for reasons not attributable to errors made in calculating the utility bill OT demonstration of non-use of a service.
- B) **Adjustment:** A change in an issued utility bill for reasons attributable to errors made in calculating the utility bill or because it was demonstrated that the service was not used.
- C) **Billing Period:** The period of time between one reading of a meter (either actual or estimated) and a second reading of a meter (either actual or estimated) when the difference between the meter readings is used to calculate consumption of a utility service.

Policy Description

I) AUTHORITY FOR THIS POLICY:

- A) An Act Establishing a Board of Selectmen-Town Manager Form 'of Government in the Town of Framingham. Chapter 27 of the Acts of 1996, accepted by the voters of the Town and effective on April 2, 1996
- A) Mass. Gen. Laws c. 44, Section 53½F Enterprise Funds
- B) Vote on May 20, 1993 under Article 14 of the Warrant for the Annual Town Meeting of April 28, 1993 accepting the provisions of Mass. Gen. Laws Chapter 44, Section 53½F and establishing Enterprise Funds for its Water and Sewer divisions.
- B) Vote on December 10, 1997 under Article 19 of the Warrant for the Special Town Meeting of December 9, 1997 adopting Town By-law requiring publication in the annual town report of all abatements except those granted under Gen. Laws c. 59, Section 5, (to persons satisfying criteria established by the Board of Assessors for eligibility for certain exemptions from real estate taxes) and those granted to correct errors made in the billing process.

II) FORMS:

When required under this policy requests for abatements or adjustment must be submitted to the Department of Public Works in writing and the Department will supply forms to be used to

provide the information needed to act upon the matter. These forms include the following. They may be revised from time to time:

- Application for Water and/or Sewer Abatement.
- Request for adjustment of Water and/or Sewer Bill
- Appeal to the Utility Abatement Review Board
- Sewer Abatement Plumber's Verification

III) SPECIFIC PROVISIONS:

A) Grounds for Abatements:

1) Unexplained excessive recording:

If a meter records a volume of water during one billing period that is excessive in relation to the volume of water recorded for the account of the same customer during the eight billing periods for quarterly customers or twenty four billing periods for monthly customers (at a minimum) before the period of the excessive reading, and if

the customer demonstrates that there has been no change in the occupant(s)' customary pattern of usage, and if

the excessive volume results in application of a second (or third) tier billing rate,

Then, upon receipt of a written abatement request, the Department of Public Works will investigate the abatement request. If the Director of Public Works finds that the above conditions exist, any volume billed at the second (or third) tier during the billing period will be re-computed so that the water and sewer usage charges will be billed at the first tier rate. In determining whether the volume of water recorded is excessive, the Director will compare the average monthly rate of usage during the relevant billing period with the average monthly usage rate during the prior eight billing periods for quarterly customers and twenty four billing periods for monthly customers (at a minimum). The decision of the Director whether the volume recorded is unexplained and whether it is excessive may be appealed by the customer to the Utility Abatement Review Board.

2) Late Filing for Elderly Discount:

Customers, who become eligible for an Elderly Discount under the qualifications established by the Board of Selectmen, must notify the Department of Public Works and submit appropriate documentation for the discount sought. The Department of Public Works will apply the appropriate billing rate to the customer's account. Customers who cease to be eligible for the Elderly Discount must promptly notify the Department of Public Works of the billing period in which eligibility ceased. The appropriate rate will be applied to the account beginning with the billing period after the one during which eligibility ceased.

Customers that do not inform the Department of Public Works of their eligibility at the time they became eligible, may apply for a retroactive adjustment for all billing periods during which they were eligible for the discount. No retroactive adjustment for the Elderly Discount will be made for any billing period ending more than 36 months before the request was submitted. The amount adjusted shall be the difference between what the customer was charged and the amount chargeable at the appropriate rate.

B) Grounds for adjustments:

- 1) **Billing errors that entitle a customer to an adjusted bill**
- 2) **Reporting of the actual meter reading is incorrect**
- 3) **Recording on the inside and outside meters is different. The inside meter shall take precedence.**
- 4) **Estimated bill is higher than bill based on meter reading.**
- 5) **Customer's premises were not connected to the system during the billing period.**
- 6) **Incorrect number of units in the dwelling used to calculate bill for service at a multi-family dwelling with a single meter.**
- 7) **An error or miscalculation in a bill for miscellaneous services.**
- 8) **Sewer charges will be adjusted to correct for:**
 - b) Major water leaks that result in a volume of water not entering the sewer system. The customer must submit a Sewer Abatement Plumbers Verification form as to the cause of the condition, signed by a licensed plumber having personal knowledge of the facts.
 - c) Initial filling or complete re-filling of water in a swimming pool. The customer must submit a statement in writing as to the capacity of the pool and the billing period in which the initial filling occurred. An application for this adjustment must be made within 30 days after of the bill mailing by the Department on which the charge is made. This adjustment does not apply to seasonal refilling or topping off.

C) Abatements and adjustments for seasons other than those stated in this policy:

Applications for abatements or requests for adjustments for reasons other than those stated in this policy must be made in writing directly to the Utility Abatement Review Board, which will determine the validity of the request and the amount of any abatement or adjustment. A customer's inability to pay a water or sewer bill shall not be grounds for abatement under this policy. The Utility Abatement Review Board will maintain a file of all such requests, including the written request, the results of any investigation, the action taken and the reasons therefrom including a specific statement why the abatement or adjustment was granted on grounds other than those stated in this policy. The file shall be subject to the Public Records Law.

IV) SUBMISSION OF APPLICATIONS FOR ABATEMENTS AND REQUESTS FOR ADJUSTMENTS:

Applications for abatements and requests for adjustments (other than for an Elderly Discount) must be submitted within 2 months after the end of the billing period for which an abatement or adjustment is sought. No retroactive adjustments will be made for billing periods ending more than 24 months before the request was submitted.

Requests for the Elderly Discount that were not submitted at the time that eligibility began may be submitted after the billing period in which the eligibility began. NO retroactive adjustment for the Elderly Discount will be made for any billing period ending more than 36 months before the request was submitted.

No application for abatement or adjustment will be accepted on any account unless all amounts due on that account, including interest and penalties, for all billing periods prior to the payment period covered by the abatement or adjustment application have been paid in full.

Applications for abatement and requests for adjustment that are on file at the time of adoption of this policy will be governed by this policy. Such pending applications or requests will be eligible for favorable action for all billing periods to which they relate.

V) PROCEDURE FOR SUBMISSION OF APPLICATIONS FOR ABATEMENT, REQUESTS FOR ADJUSTMENTS AND APPEALS TO THE UTILITY ABATEMENT REVIEW BOARD:

A) Administrative Review and Action (Step 1)

Customers seeking abatements or requesting adjustments must contact, either orally or in writing, the Department of Public Works. They will be directed to an employee who has been designated by the Public Works Director to process abatement applications and requests for adjustments (hereinafter the "Review Officer") If the customer has not submitted in writing a completed Application for Water and Sewer Abatement or Request for Adjustment, and if the Review Officer thinks that such a formal application or request will be useful in reaching a decision on the matter, the Review Officer will assist the customer in completing the application or request. By so doing, the Review Officer undertakes no responsibility for the correctness or the completeness of the application or request except with regard to information furnished from the records of the Department of Public Works. Applications and Requests will be date stamped by the Department on the date they are completed and filed. Abatement or adjustment request, the Review Officer shall take one of upon receipt of the following actions:

If the Review Officer determines that a billing adjustment as provided in Section V, B of this policy is necessary, the Review Officer will approve the adjustment and prepare a bill consistent with the adjustment. The Review Officer shall be authorized Only to decide applications for requests for adjustments in amounts not to exceed\$2,000. For amounts greater than \$2,000, the Review Officer shall submit a written recommendation to the Director of Public Works for approval.

If the Review Officer determines that an abatement or adjustment as provided in Section V.A of this policy is required, the Review Officer will forward the abatement or adjustment request to the Director of Public Works as provided under Step 2 of the Review process.

If the Review Officer determines that an abatement or adjustment as provided in Section V.C of this policy is required, the Review Officer will forward the abatement or adjustment request to the Utility Abatement Review Board as provided under Step 3 of the Review process.

The Review Officer will endeavor to respond promptly to abatement applications and requests for adjustment and must do so within 30 days after the date the Department has received a completed application or request, unless both parties agree to an extension in writing.

All abatement applications or requests for adjustment that are not resolved by the Review Officer, or are not finally acted upon within 30 days after submission of a completed application or request, will be transferred promptly by the Review Officer to the Director of Public Works for review. The Review Officer may refer any application or request, and customers may have their applications or requests referred, to the Director of Public Works or the Utility Abatement Review Board for initial action within the 30 days. The Department shall promptly notify each customer whose application has been referred to the Director of Public Works and shall provide a copy of this policy to such customer.

B) Director of Public Works Review: (Step 2)

Customers who have not completed an Application for Abatement or Request for Adjustment in Step 1 must do so and submit it to the Director of Public Works. The Department of Public Works will, on request, assist the customer in completing the application. By so doing, the Department undertakes no responsibility for the correctness or the completeness of the application except with regard to information furnished from the records of the Department of Public Works.

The Director of Public Works, will, within 30 days after receipt of an Application for Abatement or Request for Adjustment, including recommendations from the Review Officer, decide whether to grant or approve the requested relief. Said decision shall be in writing and include the reasons therefore. If the Director of Public Works does not make a decision within 30 days after receipt of the Application for Abatement or Request for Adjustment in Step 2, the time for action will be automatically extended for an additional 30 days unless the customer requests in writing that the matter be referred to the Utility Abatement Review Board. If the Director of Public Works has not made a decision within the extended time, the abatement or request will be deemed granted subject only to arithmetic verification by the Department.

The Director of Public Works shall be authorized only to decide applications for abatement or requests for adjustments in amounts not to exceed \$5,000. For amounts greater than \$5,000, the Director of Public Works shall submit a written recommendation to the Utility Abatement Review Board for approval.

C) Utility Abatement Review Board (Step 3)

The Utility Abatement Review Board will hear appeals from Steps 1 and 2 under the conditions stated in this policy, review abatement or adjustment decisions in excess of \$5,000, and will also act upon abatement applications and requests for adjustments that are not covered by other provisions of this policy.

The Utility Abatement Review Board shall consist of:

- One Public Works Commissioner selected by the full Board,
- The Chief Financial Officer, or at his option, the Town Accountant,
- A resident of Framingham appointed by the Board of Selectmen for a term of two years

If the resident member shall be unavailable to hear a matter or shall be disqualified by conflict or other reason, a special alternate member shall be similarly appointed.

Failure to submit the request for appeal from a determination of the Director of Public Works within 30 days of receipt of the Director's decision shall result in the customer's appeal rights being nullified.

The Utility Abatement Review Board will hear the customer and a representative of the Department of Public Works and their witnesses, if any, and will receive such documentary evidence as it deems relevant to the matter before it. The Utility Abatement Review Board will keep a record of its proceedings. Its proceedings and records are subject to the Open Meeting and Public Records laws of the Commonwealth as well as any requirements set forth in the Town's by-laws for all boards and committees.

The Utility Abatement Review Board will decide any action or appeal under Step 1 or 2 within 60 days after receipt of the appeal or recommendation from the Director of Public Works, unless the customer and the Utility Abatement Review Board both agree in writing during said 60 days to an extension to a specific date. Unless such an agreement has been made, if the Utility Abatement Review Board fails to make a determination and, notify the customer thereof within 60 days after receipt of an action or appeal, the Department will automatically grant subject only to arithmetic verification the abatement or adjustment.

All decisions will be in writing, will state the reasons for the decision and the amount, if any, of the abatement or adjustment. Decisions of the Utility Abatement Review

Board are final, subject to such judicial review as may be available under the laws of the Commonwealth of Massachusetts.

VI) RECORD KEEPING:

The Department of Public Works will maintain a log of all abatement applications and requests for adjustment, whether oral or in writing, that shall include the customer's' name, account number, the reason for the abatement or adjustment and its resolution. Copies of this log shall be distributed each month to the Board of Selectmen, the Board of Public Works and the Town Manager. The Department of Public Works will also maintain a file of all applications for abatement that shall include the written application, the results of any investigation, the action taken and the reasons therefore. The file shall be subject to the Public Records Law.

VII) PARTIAL PAYMENT OF CONTESTED BILLS ACCRUAL AND REMISSION OF INTEREST AND PENALTIES:

Customers who file abatement applications or requests for adjustments are required to have paid all uncontested prior bills (including penalties and interest, if applicable) and to pay against each contested billing period an amount no larger than the bill prior to the contested billing period(s). No interest, penalties or late charges will accrue on the unpaid portion of contested bills while the application or request is under review.

Should all or part of an abatement application or adjustment request be granted, any reimbursement to the customer, at the customer's option, would be credited against future bills or refunded. Any interest, penalties or late charges accrued or paid on any amounts abated or adjusted will be remitted.

Should all or part of an abatement application or adjustment request be denied, the customer must pay any amounts due to the town within 30 days after the customer receives the final decision. Any amounts not so paid will accrue interest, late charges and penalties commencing on the date the payment to the Town is due.

VIII) METHOD OF GIVING NOTICE:

The Department of Public Works will transmit all written communications permitted or required to be given under this policy by registered or certified U.S. Mail, return receipt requested, directed to the billing address of the customer unless the customer has notified the Department of Public Works in writing of a different address.

For the purpose of the time limitations in this policy, the date of the post mark on communications directed to or from the Department of Public Works and for communications delivered by hand to the Department of Public Works the date of receipt, shown by the date stamp of the Department of Public Works will be conclusive.

IX) PUBLICATION OF LISTS OF ABATEMENTS AND CERTAIN ADJUSTMENTS:

Pursuant to the By-laws of the Town, adopted on December 10, 1997 under Article 19 of the warrant for the Special Town Meeting Of December 9, 1997, the Department of Public Works will cause to be published in the annual town report, as a part of the annual report of the Board of Selectmen, a listing of all water and sewer abatements granted in the year covered by the report except those granted under Mass. Gen. Laws c. 59, Section 5, as amended (Ter Ed.) and except those adjustments resulting from the correction of errors in the billing process. The listing will include the names and addresses of the owner or owners of record; location of the property; the amount of the abatements; the reasons for such abatements; the number of abatements granted on the property in the last five years; and the name of the official granting the abatement.



**Town of Framingham
Board of Selectmen**

Policy for Common Victualer Licenses

Issue date: April 1, 2000

Type of policy: New (x) Amendment ()

Effective date: April 8, 2000

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the requirements and application process for a common victualer license. A copy of the application is attached hereto, and made a part of this policy.

References

None.

Special Terms

None.

Policy Description

A. REQUIREMENTS

1. Fill out and sign application form.
2. Submit a set of floor plans, site plan and description.

3. Submit a list of equipment and estimated costs.
4. Copy of Bill of Sale or Lease Agreement. If a corporation, copy of Articles of Organization.
5. Check with Building Inspection Department to see if properly zoned (or special permit is required from Zoning Board of Appeals or site plan review from the Planning Board). Submit a set of floor plans and other required applications and information.
6. Check with Board of Health for required applications, permits, and submit floor plans.
7. Check with Department of Public Works (if external grease trap is required).

Prior to the issuing of a license, either new or a license being transferred to a new owner, inspection reports (sign-offs) will be required from the Board of Health, Fire Department, and Building Inspection Department; a sign-off from the Public Works Department (if necessary); a sign-off from the Treasurer's Office that "ALL TAXES, FEES, FINES, ETC." have been paid to the town is required; and a Business Certificate, if required, from the Town Clerk's Office.

B. FLOOR PLAN AND DESCRIPTION (SAMPLE)

1. Address
2. Type of Building
3. Entrance and Exits
4. Number of Rooms
5. Number of Tables and Chairs
6. Bar Area: Number of Seats
7. Storage Area (Square Feet)
8. Kitchen Area (Square Feet)
9. Dance Area / Band Area
10. Outside Serving Area

EXAMPLE:

228 Main St., Framingham, MA. Wood frame building with two entrances on Main St. Two exits rear of building. Tables and chairs with seating for 96 people. One bar with seating for 15 people. A basement storage area with 1000 square feet. Kitchen area has 750 square feet. No dance floor. No outside serving area.

Floor plan will "not" be required for annual renewals as long as no changes have been made or requested.

C. SITE PLAN

All applicants for a Common Victualer's License shall submit to the Board of Selectmen as part of the application for either of said licenses a site plan showing the following information:

1. Layout of Parking Lot
2. Landscaping
3. Curb cuts and location of driveways
4. Existing Utility Easements
5. Parking lot lighting
6. Parking lot drainage
7. List of abutting property owners and their uses within 300 feet of property lines.

Site plan will “not” be required for annual renewals, if current plan is on file and there have been “no” changes proposed at the time of the annual renewal.

D. COST AND PROPOSED DATE OF OPENING

The applicant shall submit an estimated cost of the project and projected date of opening to the Board of Selectmen.

E. PROCEDURE FOR REVIEW OF APPLICATIONS FOR COMMON VICTUALER'S LICENSE BY BOARD OF SELECTMEN

1. If an applicant appears before the Board of Selectmen for a Common Victualer's License, on premises that require renovation with a Building Permit but the applicant does not yet have approved plans or a Building Permit, the Board may refuse to process the application or deny it until such time as the applicant has the appropriate Building Permit and approved plans.
2. A Building Permit with approved plans for construction, reconstruction or renovation of a facility for a restaurant or inn, does "not" guarantee that a Common Victualer's License will be approved.

If an applicant appears before the Board of Selectmen for a Common Victualer's License, the Board may grant the License subject to completing the construction work in accordance with the approved plans. The License would not, however, be issued to the applicant until the Board received verification that the construction has been completed in accordance with those plans.

F. PUBLIC HEARING WITH THE BOARD OF SELECTMEN

The applicant will be scheduled to have a public hearing with the Board of Selectmen when the Licensing Office has received notification from the Building Inspection Department and the Board of Health that the application is in compliance with their regulations. The Board of Selectmen shall determine if a Common Victualer's License is issued after conducting an advertised public hearing. The public hearing notice shall consist of one notice being advertised at least seven days before the hearing date, set by the Board of Selectmen, in a general circulated newspaper in Framingham. **The applicant is responsible for paying for the public advertisement of the hearing.**

If the application is approved by the Board of Selectmen, a license will be issued after payment of the \$50.00 license fee to the Town of Framingham, upon the completion of the premises according to the plans submitted, the payment of all taxes, fees, fines, etc., to the Town, and the receipt of a Business Certificate, if required, from the Town Clerk.

G. IMPORTANT TELEPHONE NUMBERS FOR LICENSING /INSPECTIONS

<u>TOWN OFFICE</u>	<u>ROOM</u>	<u>TELEPHONE #</u>
Licensing Administrator	113	508-877-3378
Board of Health	221	508-620-4827
Board of Selectmen	121	508-620-4811
Building Inspection Department	B10	508-620-4838
Fire Department		508-620-4950
Planning Board	B37	508-877-3837
Police Department		508-872-1212
Public Works Department	213	508-620-4880
Treasurer / Tax Collector	109	508-620-4322
Zoning Board of Appeals	113	508-877-3306

All town offices are located at 150 Concord Street (Memorial Building) with the exception of the Police and Fire departments, which are found at the following locations:

Fire Department	Administrative Offices	10 Loring Drive
Police Department	Administrative Offices	81 Union Avenue



**Town of Framingham
Board of Selectmen**

POLICY FOR THE REGULATION OF TAXICABS AND THE OPERATION THEREOF IN THE TOWN OF FRAMINGHAM

Issue date: December 7, 2000

Type of policy: New (x) Amendment ()

Effective date: January 16, 2001

Level: Department () Division () Town Wide (x)

Policy Statement

It is hereby ordered that the rules and regulations of taxicabs, adopted by the Board of Selectmen, are hereby declared adopted in place thereof.

References

M.G.L., Chapter 90

M.G.L., Chapter 40, Section 22

Special Terms

EXAMINER:

The Chief of Police of the Town of Framingham or any person or persons so authorized by the Chief of Police.

LICENSE ADMINISTRATOR:

The individual responsibility for administratively handling the paperwork, complaints, permit licenses, etc. for the Board of Selectmen, Town Manager, Examiner, or any of their designees.

The Examiner may from time to time assign administrative functions to the License Administrator.

NUMBER PLATE:

The sign or marker furnished by the Registry of Motor Vehicles on which is displayed the license number or marks assigned to a vehicle for hire.

OPERATOR:

Any person who operates a vehicle for hire.

OPERATORS LICENSE:

License issued by the Examiner to authorize the holder thereof to operate a vehicle for hire.

OFFICER:

Any officer authorized to make arrests or serve criminal process, provided that person is in uniform or displays his badge and identification card of office.

PUBLIC AUTOMOBILE:

A vehicle for hire for livery purposes without a taximeter, does not operate on a fixed route and which is hired by means of a telephone request or contract arranged in advance of the time designated pickup. The definition of a limousine is within this class of vehicle. The definition of limousine shall not include vehicles engaged exclusively to provide service to funeral homes.

SEAT:

That space in a vehicle for hire ordinarily occupied by one person.

TAXICAB:

A vehicle for hire used for transporting persons or goods for hire, marked with the company name, assigned number, equipped with a taximeter, and which does not operate on a fixed route and which is hired by means of a taxi stand or telephone request. The definition of taxicab shall not include public automobile.

TAXIMETER:

A device by which a charge for hire is mechanically or electronically, or both, calculated either for distance traveled or for waiting time or both, and upon which such charges shall be clearly indicated by means of a figure displayed.

VEHICLE FOR HIRE:

Any vehicle used of to be used for the conveyance of persons for hire from place to place.

VEHICLE FOR HIRE PERMIT:

Permit issued by Board of Selectmen authorizing the operation of vehicle for hire business.

VEHICLE FOR HIRE LICENSE:

License issued by the Examiner to a vehicle for hire permit holder authorizing the use of a particular taxicab.

WAY

Any public way, any public way laid out for public use, any way dedicated to public use or any place to which the public has a right of access as invitees or licensees.

Policy Description

ARTICLE 1 PERMITS AND LICENSES

SECTION 1 AUTHORIZATION

Except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a permit from the Board of Selectmen authorizing him to engage in such business and designating the number of such vehicles that may be used under such permit. Such permit shall terminate automatically if for a period of more than 30 days the holder thereof does not coincidentally hold one or more duly existing vehicle licenses.

SECTION 2 SUITABLE PERSONS

The Board of Selectmen may grant a Vehicle for Hire Permit to suitable persons.

SECTION 3 NEED AND CONVENIENCE

The Board of Selectmen shall determine the number, conditions and restrictions of vehicle for hire. Such determination shall be made, based upon serving public need and convenience and the promotion of public health and safety, no later than March 15, annually.

SECTION 4 VEHICLE FOR HIRE LICENSE

Application for a vehicle for hire license shall be made by the holder of a vehicle for hire permit to the License Administrator. Such application shall set forth under oath all information that the License Administrator may require.

SECTION 5 CHANGE OF ADDRESS

When a vehicle for hire license holder changes his address or the place at which a vehicle for hire owned by him is kept, he shall notify the License Administrator within three (3) days of such change.

SECTION 6 LICENSES, RATES, AND INFORMATION TO BE POSTED

No person shall operate a vehicle for hire without a valid vehicle for hire license, and vehicle for hire operator's license in the vehicle. Every vehicle for hire shall have displayed in clear view and easily readable to passengers a notice of the current rates and the vehicle license number issued by the License Administrator. This display (copy enclosed) shall include a complaint telephone number (License Administrator).

SECTION 7 COMPLAINTS

Each complaint received by the License Administrator shall be logged in and referred to the appropriate investigator, with a record of what action was taken on each particular complaint.

Each complaint should receive a complaint number for auditing reasons. These complaints should be made available to the Board of Selectmen on March 1st of each year.

SECTION 8 INSURANCE CERTIFICATE REQUIRED

No vehicle for hire license shall be issued or renewed by the Examiner / License Administrator until the applicant shall have presented, to be filed with the application, a certificate of an insurance company authorized to transact business in the commonwealth stating that the vehicle to which the license applies is properly insured under the laws of the Commonwealth. Such certificate shall state the name and address of the owner of the vehicle, the name of the company in which the license is insured, the amount and character of the insurance, and a statement that the insurance policy is applicable to passengers lawfully riding in the vehicle under the provisions of these and other regulations of the town, and said policy shall state that it cannot be revoked without ten (10) days notice to the Examiner / License Administrator.

SECTION 9 VEHICLE FOR HIRE LICENSE FEE

The annual fee for a vehicle for hire license shall be thirty dollars (\$30.00) which amount shall include the processing fee.

SECTION 10 SUSPENSION OR REVOCATION

The Examiner may suspend or revoke a vehicle for hire license or licenses at any time if in his opinion any section of these rules and regulations has been violated by the license holder. A license holder shall be notified in writing of any suspension or revocations stating the specific reason or reasons for the suspension or revocations stating the specific reason or reasons for the suspension or revocations and inform the licensee of his right to a hearing before the Town Manager or his designee by applying to him in writing for said hearing within five (5) days of receiving the notice of suspension or revocation of the Examiner. A hearing shall be held by the Town Manager or his designee within (21) days of a written request. At the hearing with the Town Manager or his designee the licensee will have the opportunity to present testimony and evidence, confront and cross-examine adverse witnesses, and be represented by a representative of his choice. A request for a hearing shall not delay any suspension or revocation.

SECTION 11 VEHICLE FOR HIRE LICENSE EXPIRATION

The Examiner may issue a vehicle for hire license, if in his opinion the vehicle is a proper one for engaging in such business. Such license shall include the name, place of business of the license, a description of the vehicle with its identification number or numbers. Such license shall be valid for such term, as the Examiner shall determine.

SECTION 12 TAXICAB LICENSE TRANSFER OR SALE PROHIBITED

No vehicle for hire license provided for in these regulations shall be sold, assigned or transferred. Nor shall a majority interest of any entirety holding such a license be sold, assigned or transferred. Such sale, assignment or transfer shall automatically terminate said license.

SECTION 13 VEHICLE FOR HIRE SALE

Any vehicle for hire licensee under these regulations, who shall cease to be the owner of said vehicle shall at once surrender the vehicle for hire license for said vehicle to the Examiner, except said license may at the time of surrender of said license, transfer said license to another vehicle for hire.

SECTION 14 ANNUAL INSPECTION

Before a vehicle for hire is licensed at a time selected by the Examiner, such vehicle for hire shall be thoroughly inspected and examined by the Examiner or someone designated by him for the purpose of seeing that the vehicle for hire has a valid Massachusetts Safety Inspection Sticker, is clean inside and outside, of good appearance, and well painted. At the time of the annual inspection, the operator of the vehicle for hire shall present the Examiner, or his designee, the vehicle for hire license and the inspection card supplied by the town for each vehicle for hire. The Examiner, or his designee, shall, after inspecting the vehicle, either date or sign the inspection card to the operator or inform the operator of corrections that must be made before the license and inspection card will be returned. There will be fifteen dollars (\$15.00) fee for the annual inspection or re-inspection under this section. The annual inspection will take place between April 1st and April 30th each year.

Understanding that the Examiner or his designee may inspect any taxicab at anytime that it is in operation to insure that the vehicle for hire is in safe condition. After the Examiner signs the inspection card they will be returned to the Licensing Administrator to issue the necessary paperwork. The Examiner will design guidelines on what is required to be inspected during this annual inspection. Copies of the inspection reports will be kept on file.

SECTION 15 UNFIT VEHICLE FOR HIRE

The Examiner shall refuse a vehicle for hire license, or if already issued, revoke or suspend said license for any vehicle for hire, found unfit, unsafe, or unsuitable for the purposes of herein set forth.

SECTION 16 NUMBER PLATES

Any vehicle for hire shall have affixed thereto such number plates as are prescribed for use by the Registrar of Motor Vehicles, which shall be attached to said vehicle in accordance with the rules and regulations of the Registry of Motor Vehicles and the laws of the Commonwealth of Massachusetts. The owner of any vehicle for hire shall notify the License Administrator, as soon as said number plates are received, as to the number of the plate and the identification of the vehicle upon which it is affixed.

SECTION 17 VEHICLE COLORS

No owner of a licensed vehicle for hire shall color his vehicle for hire in colors or designs so closely resembling other licensed vehicles for hire as to mislead the public as to its identity.

SECTION 18 IDENTIFICATION AND AGE

Each taxicab must have its name and cab number (as stated on its license) conspicuously displayed and easily readable on both sides of the vehicle, Effective November 1, 2001, and thereafter, no vehicle shall be approved for use as a taxicab in the town of Framingham when the vehicle is ten (10) years old or older. The year appearing in the vehicle title and / or RMV registration shall determine the vehicle date of origin.

Example: a 1992 vehicle is considered:

One year old on November 1, 1993

Two years old on November 1, 1994
Three years old on November 1, 1995
Ten years old on November 1, 2002

The Examiner may review and waive restrictions based on the merits of specific written requests concerning details of maintenance records kept by the owner over an extended period of time. A waiver request must be submitted in writing six (6) weeks prior to inspection by the Examiner. No owner shall purchase a used vehicle and anticipate a waiver.

SECTION 19 SMOKING

Effective, July 1, 2001, smoking will not be allowed inside a taxicab that is licensed in Framingham. This section applies to passengers as well as operators of taxicabs.

ARTICLE 2 VEHICLE FOR HIRE OPERATORS

SECTION 1 VEHICLE FOR HIRE OPERATOR'S LICENSE

All vehicles for hire operators shall be required to hold a valid Town of Framingham vehicle for hire operator license issued by the Examiner. Written application shall be made under the penalty of perjury to the Examiner on the form provided by the Examiner. No application shall be processed until all information required on the application is provided by the applicant.

SECTION 2 APPLICANT REQUIREMENTS

An applicant must:

- (1) be at least eighteen (18) years of age.
- (2) be the bearer of a valid Massachusetts operator's license issued in accordance with the provisions of Massachusetts General Laws (Chapter 90).
- (3) provide a signed letter / application from the taxicab company who is requesting his/her services as an operator for their company.
- (4) demonstrate ability to read and write the English language

SECTION 3 APPLICATION FOR VEHICLE OPERATOR LICENSE

Application for a vehicle for hire operator's license shall be made at the office of the Town of Framingham Police Department. All applicants shall set forth, under the penalties of perjury, such uniform information as the Examiner maybe require of said applicant in addition to the following information:

- (1) the name of applicant
- (2) the applicant's residence, date of birth, place of birth, father's name, mother's name, height, weight, color of hair and of eyes, and social security number.
- (3) the number of the applicant's license to operate motor vehicles in the Commonwealth of Massachusetts and the date of expiration of such license, and the license shall be displayed at the time of making application.

SECTION 4 VEHICLE FOR HIRE OPERATOR LICENSE FEE

The annual fee for the issuing of the Town of Framingham vehicle for hire operator license shall be twenty-five (\$25.00) dollars, which amount shall include the processing fee. The fee for a

duplicate or amended vehicle for hire operator license, or to reinstate a suspended or revoked vehicle for hire operator's license, shall be ten (\$10.00) dollars.

SECTION 5 REASONS FOR REJECTION OF APPLICATION, OR LICENSE SUSPENSION, REVOCATION, OR FAILURE TO RENEW

In addition to failure to meet the requirements set forth above in this section, a decision to reject an application or to suspend, revoke or fail to renew a license may be based as follows: An applicant for such license shall be deemed unsuitable who is addicted to intoxicating liquors or drugs, or has been convicted of a sex offense, a narcotics offense, a firearms offense, the offense of assault and battery on a police officer, or has four or more motor vehicle violations within a three year period, or is currently on parole or probation, or for any justifiable cause shown, in addition to those specifically enumerated. An applicant convicted of any felony may be banned from receiving or holding a license for up to a maximum often (10) years if the Examiner feels that the applicant could present a danger to the health, safety, welfare, or morals of the inhabitants of the Town of Framingham.

SECTION 6 THE DECISION TO APPROVE OR REJECT

The decision to approve or reject an application for a vehicle for hire operator's license shall be made within thirty (30) days after the filing of the application with the Examiner.

SECTION 7 DECISION TO SUSPEND OR REVOKE

The Examiner may suspend or revoke a license at anytime for cause. Cause is defined as any reason, which would allow the examiner to reject an application as stated in section 5 or any other section of these regulations. A license holder shall receive written notice of a suspension or revocation. Such notice shall state the specific reasons relied on as a cause for revocation for suspension and inform the licensee of his right to a hearing before the Town Manager or his designee by applying to him in writing for such a hearing. Such hearing shall be held within twenty-one (21) days after the receipt of a written request thereof. At the hearing, the licensee shall have same opportunities and rights as enumerated in Article 1, Section 10. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a License as outlined in this section, and it is decided by the appropriate official or officials, that the licensee meet all of the requirements for a license set forth in this section.

SECTION 8 HEARING

At a hearing for the suspension or revocation of a license, the applicant or license holder will have the opportunity to present testimony and other evidence, confront and cross examine adverse witness, and be represented by a representative of his choice.

SECTION 9 TERM OF LICENSE

Vehicle for hire operator's license shall be for a term of one (1) year. On payment of the prescribed fee, a license shall be issued a new license unless the license has been previously revoked or is under suspension in accordance with the provisions of these regulations. If said license is under suspension, the license will be renewed upon the expiration of the suspension and upon payment of the prescribed fee.

SECTION 10 LICENSE TO BE VISIBLE

It shall be the duty of every person operating a vehicle for hire to have his license to operate such and a list of rates and charges of fare conspicuously posted in such vehicle, clearly visible to its passengers.

SECTION 11 TERMINATION OF LICENSED OPERATOR

Notice in writing shall be given to the Examiner by a vehicle for hire license holder when a licensed vehicle for hire operator ceases to be employed by him.

SECTION 12 CHANGE OF ADDRESS

When a licensed operator changes his home address or his place of employment, he shall notify the Examiner in writing within five (5) days.

SECTION 13 DRESS CODE

Every driver having charge of a licensed vehicle for hire shall be hygienically clean, well groomed, neat and clean in appearance, and suitably dressed.

ARTICLE 3 OPERATION OF VEHICLE FOR HIRE

SECTION 1 IMPROPER OPERATION OF EQUIPMENT

No person operating a vehicle for hire shall have or permit to be on or in such vehicle or on or about his person anything, which may interfere with the proper operation of such vehicle, nor shall any vehicle for hire be operated if it is unsafe or improperly equipped. At no time shall any vehicle for hire be operated when the passengers therein are in excess of its seating capacity.

SECTION 2 VEHICLE FOR HIRE OPERATOR LICENSED

No owner or person having the care of a vehicle for hire shall permit, suffer, or allow any person other than an operator licensed by the Examiner to operate such vehicle for hire or reward.

SECTION 3 RECORD OF TRIPS

The operator of a vehicle for hire shall maintain a written record of trips during all shifts worked. The written record of trips must be made available for inspection, upon demand, by a police officer and must be turned in to the vehicle owner for record keeping purposes at the end of the operator's shift. The owner of a licensed vehicle for hire must produce upon demand of the Examiner, or any person designated by him, a record of all trips made by such vehicle for a period of one hundred and eighty (180) days prior to the date of demand, the record to give the name and address of the driver, the time of the beginning and termination of each trip, the location of the first and last stop on each trip, and the total fare charged for each trip.

SECTION 4 HIRED VEHICLES

No person having charge of a vehicle for hire shall take up or carry any passenger after the vehicle has been occupied or engaged by a prior passenger without the permission of the first passenger. In the event a subsequent passenger is picked up, the first passenger who is dropped off will be charged the meter rate to his destination. The dispatcher will determine the flat fare to be paid by the second passenger to be dropped of which shall be determined by the direct distance between pick-up and drop-off. In no event will either passenger's fare be greater than the meter rate for a direct trip of equivalent distance. In no event shall either passenger pay any additional cost for additional distance incurred as a result of sharing a vehicle.

SECTION 5 SOLICITING PASSENGERS

No taxicab shall be operated from any place other than a fixed location (stand or terminal) and no taxicab or public automobile shall cruise upon any way for the purpose of soliciting passengers or business.

SECTION 6 SUSPENSION OR REVOCATION OF OPERATORS LICENSE

The Examiner may suspend or revoke any vehicle for hire driver's license in accordance with these rules and regulations. Upon such suspension or revocation, the holder, thereof shall immediately deliver the same to the Examiner. Such license may be reinstated or reissued in accordance with the provisions of these rules and regulations.

SECTION 7 CONVICTION OF VIOLATION

Any person convicted of a violation of any provision of these rules and regulations may be punished by a fine of not more than two hundred (\$200.00) dollars for each offense and subject to suspension and a revocation of a license in accordance with these rules and regulations.

SECTION 8 PERMITTING ILLEGAL ACTIVITIES

No owner of operator of a vehicle for hire shall knowingly participate in, or allow passengers to participate in any illegal activities.

SECTION 9 PASSENGER SEATING

No person in charge of a vehicle for hire shall allow anyone to ride upon the driver's front seat, or adjacent to the driver's seat, except when the seats inside the vehicle for hire are fully occupied, and then only when the person so riding is a bona fide passenger, except when the physical condition of the passenger necessitates the use of the front seat.

SECTION 10 RECEIPTS

Every operator or owner of a vehicle for hire shall, when requested, give the customer a receipt. The receipt must contain the date, starting and ending time, fare, miles traveled in whole miles and tenths of a mile, vehicle for hire number and the vehicle for hire complaint phone number.

ARTICLE 4 FARES

SECTION 1 METERS

Every vehicle for hire shall be operated under the taximeter system. Taximeters shall be installed and inspected in accordance with the laws of the Commonwealth of Massachusetts and the regulations prescribed by the Director of the State Division of Standards.

SECTION 2 FEE SCHEDULE

No person shall charge or receive fares for the hire of vehicle for hire within the town of Framingham in any sums of money other than those prescribed by the fee schedule promulgated by the Board of Selectmen as from time to time amended.

SECTION 3 RATE OF FARE (TAXICAB)

The fare to be taken by or paid to the owner, driver, or other person having charge of any taxicab shall be per the following schedule: For the first three-fifths of a mile, two dollars and fifty cents

(\$2. 50), and for each additional one-fifth of a mile or fraction thereof, fifty cents (\$.50). In addition to the mileage charge, a charge for waiting time may be charged at the rate of twenty-two dollars (\$22.00) per hour for actual waiting time beginning four minutes after the arrival of the taxicab. Time and distance is not allowed to operate at the same time.

ARTICLE 5 MISCELLANEOUS

SECTION 1 AMENDMENTS

All licenses and permits required by these rules and regulations shall be subject to such terms and conditions, as the Board of Selectmen, the Town Manager or the Examiner shall from time to time prescribe.

SECTION 2 METERS

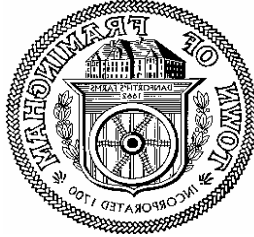
Each taximeter must be tested and seal annually by the Inspector of Weights and Measures. If the security seals are broken due to the necessity of repair, the Inspector of Weights and Measure must be informed immediately. The meter should not be used until approved by the Inspector of Weights and Measures.

SECTION 3 AUTHORITY

These rules and regulations are adopted under authority of Massachusetts General Laws, Chapter 40, Section 22. Any person convicted of a violation of any provision of these rules and regulation may be punished by a fine of not more than two hundred (\$200.00) dollars for each offense.

SECTION 4 OFFICERS TO ENFORCE

It shall be the duty of the officers of the town to observe the movements of vehicles licensed under the provisions of these rules and orders and see that all rules and orders are obeyed.



**Town of Framingham
Board of Selectmen**

Policy on Elderly Discount for Water and Sewer

Issue date: February 1, 2001

Type of policy: New () Amendment (x)

Effective date: February 8, 2001

Amendment date: July 24, 2003

Level: Department () Division () Town Wide (x)

Policy Statement

The Board of Selectmen, acting in their capacity as the rate-setting authority for water and sewer rates for the Town of Framingham, have authorized a discount program for the elderly residents of the community. The discount is subject to several criteria, which are outlined below, and subject to the review of the Board of Selectmen on an annual basis.

References

None.

Special Terms

Adjusted gross income is defined as the following: Income (including wages, interest, capital gains, income from retirement accounts, alimony paid to you) adjusted downward by specific deductions (including contributions to deductible retirement accounts, alimony paid *by* you); but *not* including standard and itemized deductions. If you file regular Form 1040 or Form 1040A, adjusted gross income is the last number at the bottom of page 1 (and the first number at the top of page 2). On Form 1040EZ, adjusted gross income appears on line 4.

Policy Description

The criteria as set forth by the Board of Selectmen for water and/or sewer customers to receive the discount are as follows:

- b) Applicants must be age 65 or older. Applicants must provide proof of age at the time of application, such as a valid driver's license or copy of a birth certificate. Applicants whose information is on file from previous years will not be required to provide information again.
- c) Owner-occupied, one, two, and three-family residences (as long as the owner lives in the residence and meets criteria for eligibility, the entire residence is eligible). Applicants must provide proof of residency at the time of application, such as a valid driver's license or current utility bill. Applicants whose information is on file from previous years will not be required to provide information again unless the information has changed from the previous year.
- d) The applicant's adjusted gross income cannot exceed the following limits:
 - i. \$40,000 for a single person
 - ii. \$50,000 for a head of household, or
 - iii. \$60,000 for taxpayers married filing jointly
- e) The assessed valuation of the real estate cannot exceed \$400,000.
- f) Applicants must submit a signed affidavit as to their income status. Language will be included in the form that applications may be randomly audited to verify status.
- a) The discount will include both water and sewer use charges for Tier I only. Irrigation meters are not eligible.
- g) The discount will amount to a 25% discount annually for water and sewer.
- h) Applications are due on or before June 1 each year in order to allow staff adequate time to update customer records.
- i) All eligible residents must renew each year in order to receive the upcoming Fiscal Year discount.
- j) Widows or widowers who had previously met the eligibility requirements for the discount, but due to the death of their spouse no longer meet the age requirement, shall be grandfathered to continue participation in the program under the following conditions:
 - 4. The widow or widower is at least 60 years of age.
 - 5. The widow or widower continues to satisfy all of the other requirements of the policy as contained herein.

Applicants that are eligible for the discount under Section (j) of this policy must submit an application prior to September 1, 2003 in order to qualify for inclusion in the program for Fiscal Year 2004.



**Town of Framingham
Board of Selectmen**

Policy on Traffic Signal Permitting Process Chapter 689 of the Acts of 1986

Issue date: May 29, 2003

Type of policy: New (x) Amendment ()

Effective date: June 5, 2003

Level: Department () Division () Town Wide (x)

Policy Statement

This policy sets out the rules and regulations relative to or in connection with the erection or maintenance of traffic control signals, traffic devices or other means or mechanisms for the control of traffic (hereinafter Traffic Signaling Systems or Devices) under the jurisdiction of the Board of Selectmen according to the provisions of Chapter 85 of the General Laws as amended by c. 689 of the Acts of 1986 or as my hereafter be amended.

References

Massachusetts General Laws, Chapter 85, as amended, Sections 2, 4, 6, 8.

Massachusetts General Laws, Chapter 40, as amended, Section 22F

Special Terms

All terms used herein shall have the same meaning as when they are used in the referenced authority, and, where applicable, in the Massachusetts Manual for Uniform Traffic Control Devices ("MUTCD").

Policy Description

Before any Traffic Signaling System or Device may be installed, modified or replaced within the Town of Framingham in any public way or at any other location within the jurisdiction of the Board of Selectmen, an application for a permit covering such work must be filed as prescribed herein and approved by the Board of Selectmen. No other Board or agency of the Town is authorized to issue such a permit or to authorize such work within the Town.

VI. Procedure for Obtaining a Traffic Control Signal Permit

4. Before beginning any work shown in or required to be shown in the application required to be filed under this policy, every persons seeking authorization to install, modify or replace a Traffic Signaling System or Device within the Town of Framingham under this policy must file with the Traffic & Roadway Safety Committee (“TRSC”) an application for a Traffic Control Signal Permit (“a Permit Application”) with such supporting information as may be required by the TRSC to enable it to make the recommendation to the Board of Selectmen described below, together with a preliminary or conceptual plan bearing the seal and signature of a registered professional engineer in the Commonwealth of Massachusetts having professional training or experience in the field of traffic design and engineering.
5. At the time of filing such an application, the applicant must pay to the Town Treasurer an application fee in the amount fixed from time to time by the Board of Selectmen in accordance with Massachusetts General Laws c. 40, Section 22F, and the Treasurer’s receipt for such fee must accompany the application. In addition the application fee, if and when the applicant receives the preliminary permit referred to below, the applicant shall pay to the Town Treasurer an additional fee in the amount set by the Board of Selectmen when the preliminary permit is granted which will reasonably approximate the cost to the Town of reviewing the plans and specifications pertaining to the proposed work and the subsequent inspection and testing of the work.
6. After such an application is filed, the TRSC will hold a public hearing on the application at a duly posted meeting of the TRSC and will notify the applicant of the date and time of such hearing. Not later than two weeks after filing an application, the applicant must send notice in writing by certified mail, return receipt requested, to the owners of all property any portion of which is within five hundred (500) feet of the proposed installation. The names and addresses of such owners shall be identified according to the records of the assessors of the Town of Framingham. The notice must describe the work to which the application relates, state the date, time and place of the public hearing, and state that the application and supporting information may be examined at the office of the Town Safety Officer during normal business hours.
7. Within sixty (60) days after filing such application, the TRSC will issue a recommendation to the Board of Selectmen as to whether such application should be

- approved and, if so, upon what terms and conditions. The recommendation of the TRSC should state the reasons for the proposed system or device and describe its foreseeable impact upon the control and flow of traffic likely to be affected by the system or device. The applicant may obtain a copy of the recommendation when it is issued and should be prepared to discuss the recommendation when the applicant makes its presentation to the Board of Selectmen.
8. At a date and time set by the Board of Selectmen, the applicant must appear in person or through its attorney, or other authorized representative to state the reason for the proposed work and to present supporting information. It is strongly recommended that the applicant's presentation be made or supported by a registered professional engineer in the Commonwealth of Massachusetts having professional training or experience in the field of traffic design and engineering and having responsibility for the design of the proposed work (the "Project Traffic Engineer"). Depending upon the complexity of the proposed work and the nature of its impact upon traffic control and flow, the Board may require the presentation to be made by the Project Traffic Engineer.
 9. If the Board of Selectmen denies the application, the Permit will not be issued. If the Board of Selectmen gives preliminary approval to the application, a permit number will be issued bearing the designation "Temporary". The permit will be substantially in the form attached to this policy. The permit number, including the designation "Temporary" must be shown on all documents pertaining to the work described in the application, including, for example, the design set of prints issued to the TRSC and the Fire Department. All permits and other documents issued by the Town relating to the work will show the same number.
 10. Promptly after a preliminary approval is granted, the applicant must submit the plans and specifications to the TRSC and the Fire Department for detailed review. During such review the applicant must make available to the Town's reviewing personnel such additional information as may be required to perform the review, including the opportunity to consult with the Project Traffic Engineer. If the plans are not approved, the permit will not be issued. The applicant has the right to resubmit a revised application and supporting documents directly to both the TRSC and the Fire Department for further consideration. If the revised plans are recommended to the Board of Selectmen for approval, the Board will conduct further proceedings consistent with the foregoing in order to decide whether a Permit will be granted and the applicant authorized to proceed with the construction phase.
 11. If the Board of Selectmen denies the application, the permit will not be granted. If the Board of Selectmen approves the application, the applicant may proceed to the construction phase. Before commencing construction, the applicant must obtain a permit from the Fire Department and a Street Opening permit from the Board of Selectmen. The construction must be performed under the direction of the Project Traffic Engineer or, with the approval of the Fire Department, by another engineer

- registered with the Commonwealth of Massachusetts and having professional training or experience in the field of traffic design, engineering and installation.
12. Upon completion of the installation, the contractor shall submit a letter to the Project Traffic Engineer verifying that the work has been completed in accordance with the approved plans and specifications. The Project Traffic Engineer shall verify the information and submit a letter to the Town Engineer (with copies to the Fire Department and the Police Department) stating that the installation has been completed in accordance with the approved plans and specifications and, if applicable, to the requirements of the MUTCD and requesting that the acceptance testing process be scheduled. The acceptance testing process shall be as established by those departments consistent with the nature and complexity of the Traffic Signaling System or Device and may include an appropriate trial period.
 13. Upon satisfactory completion of the acceptance testing process, and any required trial period, the Fire, Police, and Engineering Departments will issue a Certificate of Completion in the form attached to this policy. Upon issuance of the Certificate of Completion, the Town Manager or his designee will inform the Board of Selectmen that the installation covered by the Temporary Permit has been completed in accordance with the plans and specifications and other applicable requirements. The Board of Selectmen will authorize the removal of the “Temporary” designation from the previously issued permit and the applicant will file the Certificate of Completion bearing the permit number with the Town Clerk.

VII. Procedure for Obtaining a Permit for Modifications to Existing Signaling Systems or Devices

1. Before any Traffic Signaling System or Device may be modified or replaced, every person seeking to perform such work must comply with the following procedures. An application for a Modification Permit containing a complete description of the proposed work, and a plan and specifications for the work bearing the seal and signature of a registered professional engineer in the Commonwealth of Massachusetts having professional training or experience in the field of traffic design and engineering (“the Project Traffic Engineer”) must be submitted to the Fire, Police and Engineering Departments for review together with a fee in the amount set by the Board of Selectmen. The application must show the number of any permit previously assigned to the system or device or state that no permit has been previously issued for the system or device. No modifications to any such system or device may be made until the Modification Permit and the plans and specifications have been approved by each of these departments. If any department denies the application the reasons for the denial will be given to the applicant. If the applicant resubmits the application it shall state the changes made to accommodate the reasons for denial. If all departments approve the application, the following procedure must be followed.

1. The Fire Department will issue a Modification Permit authorizing the approved work and the applicant must obtain a Street Opening Permit from the Board of Selectmen before commencing the work.
2. The work must be performed under the direction of the Project Traffic Engineer or, with the approval of the Fire Department, by another engineer registered with the Commonwealth of Massachusetts and having professional training or experience in the field of traffic design, engineering and installation. Upon completion of the installation, the contractor shall submit a letter to the Project Traffic Engineer verifying that the work has been completed in accordance with the approved plans and specifications. The Traffic Engineer shall verify the information and submit a letter to the Town Engineer (with copies to the Fire Department and Police Department) stating that the modification has been completed in accordance with the approved plans and specifications and, if applicable, to the requirements of the MUTCD and requesting that the acceptance testing process be scheduled.
3. The acceptance testing process shall be as established by the Fire, Police and Engineering Departments consistent with the nature and complexity of the approved modifications and may include an appropriate trial period. Upon satisfactory completion of the acceptance testing process, the procedure stated in Section 10 of the portion of this policy relating to the procedure for obtaining a Traffic Control Signal Permit will apply. If a Permit Number has not previously been issued for the system or device to which modifications have been made, such a number will be issued by the Board of Selectmen and the applicant will file the Certificate of Completion bearing the permit number with the Town Clerk.



**Town of Framingham
Board of Selectmen**

Policy on Lodging House Licenses

Issue date:

Type of policy: New (☒) Amendment ()

Effective date: DRAFT

Level: Department () Division () Town Wide (☒)

Policy Statement

The following lodging house regulations have been adopted by the Board of Selectmen, the licensing authority for the Town of Framingham, for the enforcement of all statutes, ordinances and by-laws applicable to lodging houses required to be licensed in the Town of Framingham. These regulations shall be applicable of lodging houses pursuant to Chapter 140, S. 22, et seq. of the MA General Laws, and all other statutes pertaining to lodging houses, and are intended for the maintenance and protection of the health, safety and welfare of all persons and the health, safety and general welfare of the public. In the event of a conflict between state and local laws, regulations and by-laws they shall be applied and ranked in priority in the following order, unless a contrary intent is clearly stated, with Number 1 being most senior position:

1. Special Laws
2. General Laws
3. State Code
4. Bylaws
5. Regulations

References

105 CMR Department of Public Health

Special Terms

- 1) **Lodging House:** Every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the licensee, owner or operator to four or more persons not within the second degree of kindred to the person compensated. The term Lodging House shall include: boarding houses, rooming houses, inns, bed and breakfast establishments, dormitories, fraternity houses and other similar dwelling places.
- 2) **Lodger:** A lodger is any person residing in a rooming unit including any person listed as a lodger on any lease agreement for said unit.
- 3) **Rooming Unit:** The room or group of rooms let to an individual or household for use as living and sleeping quarters.
- 4) **Licensee:** That person (s) or entity listed on the lodging house license and the owner (s) of the land and building where the lodging house is operated.

Policy Description

Responsibilities of Licensee: The licensee shall be responsible for the proper suspension, operation and maintenance of the lodging house in accordance with the requirements of these regulations and of all other pertinent laws and by-laws. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with all the foregoing laws and regulations. These regulations and the penalties imposed by them shall apply with equal force to the keeper of any lodging house required to be licensed.

Agent (s): If the licensee because of health, other employment, non-residence on the premises, frequent or extended absences from the premises or other reason, is unable to exercise proper suspension of the premises, he/she shall designate one or more agent (s) to carry out all or part Of his/her responsibilities. The Board of Selectmen shall approve such agent (s) prior to assuming such responsibilities. Based on the qualifications of the agent(s) designated and the extent of their responsibilities, the board may require that more than one agent be provided. If, for any reason, an agent ceases to exercise his/her responsibilities, the licensee shall at once notify the Board of Selectmen and take immediate steps to provide proper interim supervision and obtain a suitable replacement.

The agent (s) shall be available on a 24-hour basis and must post his/her telephone or beeper number in a conspicuous place inside the Lodging House. The agent must also notify the Selectmen's Office, Police Department, Health Department, Fire Department and Building Department Of his/her beeper or telephone number.

Registers, Card Files and Rosters: The licensee of every lodging house shall keep or cause to be kept, in a permanent form, a register. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room

together with a true and accurate record of the room assigned to such person and of the day and hour of check-in and checkout. The entry of the names of the person engaging a room and the lodgers of said room shall be made by said person engaging said room or by any lodger thereto. Until the entry of such name and the record of the room have been made such person shall not be allowed to occupy privately any room upon licensed premises.

In addition, each licensee shall keep or cause to be kept a card file containing current information on each lodger including full name, date and time of registration, room number, former address, place of employment, registration number, state of registration, and make of automobile, and the name and telephone number of the person to be notified in case of emergency. These cards should be kept for a minimum of one year after departure of the lodger. The register, card file, and roster required in this section shall be available for inspection at all times by any town official.

Minors: No room shall be let to any person under eighteen (18) years of age, except one who is a full time college student, or married, or gainfully employed, or has a written consent of his/her parent or guardian. In cases where the licensee or agent is unable to determine whether the lodger is a minor, he/she will notify the Police Department.

Minimum Standards: These regulations are minimum standards intended for the maintenance and enforcement required for the protection of health, safety and welfare of all persons concerned. If there is any conflict with state or local law the stricter provision shall apply.

All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is incorporated herein by reference, and to the requirements of these regulations, whenever they are in addition to or more stringent than the requirements of Article II of said code.

All lodging houses in which meals are served to lodges shall comply with the requirements of Article X of the State Sanitary Code, Minimum Sanitation Standards for Food Establishments, which is incorporated herein by reference, or to such lesser standards as may be approved in writing by the Director of Public Health.

Bathroom Facilities: Bathroom facilities, as requires by the Sanitary Code, shall be located on the same floor as the individuals who are to use them.

Lighting and Electrical Facilities: The electrical service to the building shall conform with the rules and regulations issued by the Commonwealth of Massachusetts, Department of Public Safety, Board of Fire Prevention Regulations, known as the Massachusetts Electrical Code, which is incorporated herein by reference. Specific questions regarding the requirements of the Massachusetts Electrical Code may be directed to the Town of Framingham Electrical Inspector.

House Rules & Supervision: Licensees and their agent (s) must:

1. Exercise due care in the selection of lodgers.

2. Inspect all common areas at least daily and all occupied rooms at every change of lodger to insure that all such areas are in a clean and orderly condition and without violation of regulations pertaining to obstruction of egress, cooking in rooms, and other health and safety hazards. A schedule of inspections must be posted at least forty-eight hours prior to said inspection. Posting of the schedule for inspections shall not apply in the case of an emergency.
3. Institute and enforce such house rules as are necessary to prevent the lodging house from being a cause of nuisance or annoyance to the neighborhood.
4. Ensure that House Rules are in writing and at a minimum contain rules adequate to address the following matters:
 - a. Noise Control including use of audio or other equipment which may disturb the peace ;
 - b. Disorderly behavior;
 - c. Adherence to the Town's Lodging House Regulations and the consequences for repeated violations;
 - d. Proper garbage disposal; and
 - e. Cleanliness of rooming units and common areas.
5. File a copy of the House Rules with the Board of Selectmen as part of the Licensee's license application or renewal thereof.
6. Post a copy of the House Rules in a common area of the lodging house.
7. Provide every lodger who intends to remain for thirty days or more with a copy of the house rules.
8. Meet with the lodgers on an annual basis to discuss house rules.
9. Take whatever steps necessary to stop Lodger(s) from repeatedly violating house rules or the requirements of these regulations up to and including eviction.

Housekeeping: It shall be the duty of the licensee and/or his/her agent to provide or cause to be provided:

1. Clean sheets and pillowcases to each lodger at least once a week and at the change of lodger when applicable.
2. Clean blankets and bedspreads to each lodger at each change of and when otherwise necessary when applicable.
3. A clean mattress pad and or mattress cover at each change of lodger and when otherwise necessary when applicable.

4. Daily cleaning of all common bathroom facilities and of community kitchen of laundry facilities,
5. Cleaning of all occupied rooms and private bathroom facilities at the change of each lodger or as otherwise necessary for sanitary purposes.
6. Cleaning, as necessary, of all other common areas.

If a room is let for thirty (30) consecutive days or more, the Licensee may modify the requirements in paragraph 1 through 3 above when applicable.

Storage, Collection & Disposal of Waste: The Licensee and his/her agent (s) shall comply with the Town of Framingham's Regulations Governing the Handling, Storage Collection and Disposal of Waste and all other state or local laws pertaining to the proper storage, collection and disposal of waste. Responsibilities of the Licensee and Agent (s) include but are not limited to following:

1. Storing garbage in watertight, rodent-proof receptacles with tight fitting covers.
2. Providing as many receptacles as are sufficient to contain accumulation of all garbage before final collection.
3. Locating garbage containers in an area where objectionable odors will not enter any dwellings.
4. Informing all lodgers of the rules regarding proper storage, collection and disposal of waste.
5. Placing garbage for collection in the designated location no earlier than 6:00 am on the day of the scheduled collection.
6. Removing all empty containers of any kind from the area of collection no later than midnight of the collection day.

Egress Facilities: There shall be at least two separate and adequate ways of egress from each occupied story of a lodging house. The number and location of such ways of egress shall allow every lodger to reach the outside at ground level by a second way of egress if the principal or customary egress is blocked by fire or smoke, or is otherwise obstructed.

At least one of the required ways of egress shall be a protected interior egress and additional required ways of egress shall be either protected interior egress or approved fire escapes that lead to a place of safety.

Protected Interior Egress: A protected interior egress shall be:

An interior stairway including all halls or corridors connecting the flights of stairs or leading to an exterior door at ground level, or providing access from any room, group of rooms, or apartment, which interior stairway is provided with an automatic sprinkler installation approved by the Building Commissioner.

Approved Fire Escape: An approved fire escape shall be an exterior stairway with balconies or landing at each floor, and having clear egress to a street, way or place of safety at ground level. Stairs, balconies and landings shall be constructed of non-combustible materials and landings shall be 2 feet in width of passage. Balconies and landings shall be not more than 9 inches below the top exterior doorsills with which they connect.

1. **Access to Approved Fire Escapes:** Access from any occupied story to an approved fire escape shall be through a door with approved hardware, T-turn knob, lever or push bar which by one operation will release the door from the inside. Doors shall be a minimum of 5 feet in height and 2 inches in width or as otherwise approved by the Building Commissioner, and shall open in the direction of egress so as to allow clear passage. If the top of the doorsill is more than 18 inches above the floor, approved steps permanently attached to the structure shall be provided. No storm or screen door shall be used in such locations. Except as above provided no devices that require unlocking from inside shall be used. Access to fire escapes shall be from a common hall or corridor, or otherwise accessible room, not a toilet or bathroom. Such common or accessible room shall lead directly to the aforementioned common hall or corridor having a door with hardware allowing release by one operation with no locking device, permitting opening at all time in the direction of egress.
2. No private room shall be used as access to a required fire escape unless the door to the room is equipped with an emergency exit lock of a type and model specially approved by the Building Department. No obstruction shall be permitted in the path of egress to a fire escape.
3. Fire escapes are to be used for emergency purposes only. Use of fire escapes for general access to rooms is strictly prohibited.

Exit Signs: Continuously illuminated red signs bearing the word "EXIT" in plain block letters at least 5 inches high shall be provided over the doors opening into stairways or leading to fire escapes, and at every change of direction of a corridor or hallway leading to such egress doors.

Emergency Lighting: Approved emergency lighting shall be provided along ways of egress. The number, type and location of emergency lighting units shall be as designated by the building Commissioner.

Basements and Basement Stairs: Basements and cellars shall be protected by automatic sprinklers. An automatic sprinkler shall protect interior stairs leading from a basement or cellar to the floor above.

Portable Fire Extinguishers: Portable fire extinguishers of a type and capacity approved by the Chief of the Fire Department, shall be provided for each story and basement, one for each 2500 square feet of the floor area, or portion thereof and maintained in a fully charged and operable condition at all times and kept in their designated places when not being used.

Such fire extinguishers shall be inspected and serviced annually and after use in accordance with NFPA 10. Fire extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. Preferably they shall be located along normal paths of travel, including exits from areas. Fire extinguishers shall not be obstructed or obscured from view.

Portable fire extinguishers other than wheeled types shall be securely installed on the hanger or in a bracket shall be securely and properly anchored in the bracket supplied, placed in cabinets or wall recesses. The hanger or bracket shall be securely and properly anchored to the mounting surface in accordance with the manufacturer's instructions.

Fire extinguishers installed under conditions where they may be subject to dislodging shall be installed in brackets specifically designed to cope with this problem.

Vertical Openings: All vertical openings, including stairs other than the required stairs, dumbwaiters, vent shafts, and laundry chutes, shall be provided with sprinklers.

Hazardous Areas and Combustible Storage: The Building Commissioner or the Fire Chief may require that kitchens, work shops, heater rooms, storerooms containing combustible materials, or other areas constituting a special hazard be protected by automatic sprinklers, fire resistive construction, additional approved portable fire extinguishing equipment, or other means as directed. Combustible or flammable material shall not be placed, stored or kept in any portion of an exit or elevator car or hoist way or at the bottom of a stairway, fire escape or other means of escape.

Cooking in Rooms: The use of electric hot plates, gas plates, stoves using sterno or other fuel, electric percolators, grills, toasters, or other means of cooking is prohibited in any room other than a kitchen approved by the Building Commissioner.

Lodgers may use microwaves in their rooming units with the approval of the Licensee.

Portable Heaters: The use of portable heaters is strictly prohibited.

Heating Systems: The owner shall provide and maintain in good operating condition the facilities for heating every habitable room and every room containing a toilet, shower or bathtub to such temperature as required by the State Health code.

Central heating systems shall be provided with all the safety devices required for new installations under all applicable laws, by-laws, and regulations of any authority having jurisdiction thereof. The heater should be located in an area suitably ventilated to ensure the safe operation of the heater or burner.

Maintenance:

1. The building and all parts thereof shall be kept in good general repair and properly maintained. All exterior surfaces shall be kept painted where necessary for the purposes of preservation of structural elements or appearance. Interior walls and ceilings shall be periodically refinished in order to maintain such surfaces free from stains, marks or visible foreign matter.
2. All outdoor areas not devoted to walks and drives or otherwise paved shall be landscaped and adequately maintained to prevent overgrowth of unsightly conditions.
3. Outdoor walks, drives and exterior ways of egress shall be kept unobstructed, free of litter, and clean. Accumulation of ice and snow shall be removed from such areas, including required ways of egress to provide safe walking surfaces and shall be removed.

Automatic Fire Alarm System: All lodging house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. Fire protection systems shall not be disconnected or otherwise rendered unserviceable without first notifying the fire department. The design, installation and performance of required fire warning systems, pursuant to M.G.L. c.148, sec. 26C, shall be in accordance with NFPA 72.

Care and Maintenance of Fire Protection System: The Licensee shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to insure the safety the safety and welfare of the lodgers. If required fire protection systems are temporarily out-of service for maintenance or repair, the licensee or his/her agent (s) shall immediately advise the fire department and shall diligently restore the system to working order. Installation of, or modification to, any automatic fire protection system shall require a permit from the Chief of the. Fire Department or his/her designee.

Aisles, floors, halls, stairways, fire escapes, doors and windows shall be kept in good repair and ready for use, and shall be kept properly lighted.

No person shall shut off, disconnect, obstruct, remove or destroy, or cause or permit to be shut off, disconnected, obstructed, removed or destroyed, any part of any sprinkler system, water main. Hydrant or other device used for fire protection in any building owned, leased or occupied by such person under his control or supervision, without first procuring a written permit to do so from the Chief of the Fire Department or his/her designee.

Egress From and Access to a Building: Any obstacle, which may interfere with the means of egress or escape from any building or other premises, or with the access of any part of said building or premises by the fire department in the case of fire, shall be removed from aisles, floors, halls, stairways and fire escapes. Doors and windows designated as exits shall be kept clear at all times.

No person shall at any time place encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire. The means of egress from each part of the building, including stairways, egress doors, and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and shall be available for immediate use and free of all obstructions.

All exterior bridges, steel or wooden stairways, fire escape and egress balconies shall be maintained in accordance with 780 CMR 1028.0 and shall be examined and or tested, and certified for structural adequacy and safety every five years, by a Massachusetts registered professional engineer, or others qualified and acceptable to the Building Commissioner or his/her designee. The engineer or other party shall after inspection submit an affidavit to the building department.

Conflict With Other Laws or Regulations: Whenever any provision of these regulations is in conflict with a requirement of the Framingham Building Code or other law, by-law or regulation the more restrictive provision shall apply, unless a contrary intent is clearly stated.

Variations in Specific Cases: The Board of Selectmen may vary any provision of these regulations in a specific case, which appears to them not to have been contemplated by the regulations or in a case where manifest injustice would result. The decision of the Board in such cases shall not conflict with the spirit of any the regulations or the purpose thereof.

In each case, the Board of Selectmen shall make its decision only after consideration of any report, which may be filed with it by the appropriate Department (s).

Certificates of Inspection: he Board of Selectmen may require certificates of inspection certifying compliance with the various section of the lodging house regulations.

Severability of Provisions: The invalidity, if so declared by a competent jurisdiction, of any provision of these regulations shall not affect the validity of the remainder of them.

Penalty: Whoever refuses, neglects or fails to comply with any of these regulations shall be subject to license suspension, license revocation or to a fine not to exceed \$_____ for each violation, and to the penalties imposed by Massachusetts General Law, Chapter 140 Section 22 et seq., where applicable; and or such other Statutes: the State Sanitary Code, Fire Code, Building Code, Framingham By-Laws and other regulations and fines applicable to the particular violation.



**Town of Framingham
Board of Selectmen**

Policy on Weather Emergency Parking Restrictions on Arterial Roadways

Issue date: October 30, 2003

Type of policy: New () Amendment (x)

Effective date: November 6, 2003

Amended: December 16, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

To ensure the safety of all Town residents, and the ability of Town officials to respond effectively and efficiently during a snow emergency, the Board of Selectmen have issued this policy concerning winter parking restrictions during declared weather emergencies.

References

None.

Special Terms

None.

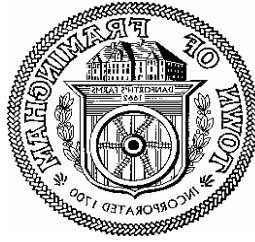
Policy Description

Whenever impending weather conditions indicate a hazard or impairment of transportation, the movement of food and fuel supplies, fire, police, and medical services or other vital services of the Town, the Town Manager, on the advice and counsel of the Director of Public Works, the Police Chief, and the Fire Chief, shall declare a weather emergency.

During a weather emergency, no driver of any vehicle shall park or stand a vehicle on the following arterial roads:

- Beacon Street
- Belknap Road
- Bishop Street
- Brook Street
- Central Street
- Cochituate Road
- Concord Street
- Edgell Road
- Franklin Street
- Gates Street
- Grove Street
- Hartford Street
- Hollis Street
- Irving Street
- Lincoln Street
- Potter Road
- Salem End Road
- School Street
- Summer Street
- Temple Street
- Union Avenue
- Water Street
- Waverley Street
- Winter Street
- Winthrop Street

Vehicles parked on these streets during declared weather emergencies will be subject to towing at the direction of the Framingham Police Department. All towing and storage charges will be the responsibility of the owner.



**Town of Framingham
Board of Selectmen**

Policy on Winter Parking Restrictions

Issue date: October 30, 2003

Type of policy: New () Amendment (x)

Effective date: November 6, 2003

Amended: December 16, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

To ensure the safety of all Town residents, and the ability of Town officials to respond effectively and efficiently during a snow emergency, the Board of Selectmen have issued this policy concerning winter parking restrictions.

References

None.

Special Terms

None.

Policy Description

To provide for the public safety, maintain an open and clear transportation network and promote efficient winter operations, parking will be restricted to one side of the street from November 1 of each year and continuing to April 1 of the following year.

The side of the street that will be restricted for parking will be determined by the year in which November 1 falls. When November 1 falls on an even year, there will be no parking allowed on the even numbered side of the street for the winters commencing on November 1 and continuing to April 1 of the next year. Likewise, when November 1 falls on an odd numbered year, there will be no parking allowed on the odd side of the street for the winters commencing on November 1 and extending into April 1 of the next year.

The odd/even rule will not apply to portions of streets that already prohibit parking for a minimum distance of one block. A block, for the purposes of this bylaw, is defined as that side of a street between two intersecting streets.

Those streets designated as arterial streets are not subject to this policy, but are subject to the Board of Selectmen policy entitled “Policy on Weather Emergency Parking Restrictions on Arterial Roadways.”

Vehicles parked on these streets in violation of this policy will be subject to towing at the direction of the Framingham Police Department. All towing and storage charges will be the responsibility of the owner.



**Town of Framingham
Board of Selectmen**

Policy on Town Owned Property

Issue date: June 17, 1996

Type of policy: New () Amendment (x)

Effective date: June 24, 1996

Amended date: June 1, 2002

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the guidelines for use of town owned property, including personal property and vehicle use.

References

None.

Special Terms

None.

Policy Description

VI. General

The private use of Town owned or maintained property, real or personal, is strictly prohibited unless specifically authorized by vote of the Board or the Town Manager.

VII. Real Estate

The Town Manager shall annually present a catalog of all Town owned or maintained real estate, along with a plan for its maintenance, improvement or disposition, to the Board. The Town Manager shall be the Custodian of Town owned property for purposes of Massachusetts General Laws.

It is the policy of the Board to permit, in a limited fashion, the placement of directional signs for religious and non-profit organizations with permanent facilities or sites in Framingham. Each such organization having a permanent building site shall be permitted to place no more than six (6) directional signs at a distance not greater than one mile from the site or facility in question. Such sign(s) shall be placed on an existing public sign at the discretion of the Director of Public Works and shall not exceed two square feet in area. The Board reserves the right to deny permission for placement of such a sign when denial is deemed to be in the best interest of public safety or general public welfare. Any permits issued by the Board shall be renewed by the applicant every five (5) years.

VIII. Personal Property

The Town Manager shall annually present an inventory of all Town owned or maintained personal property, along with a plan for its maintenance, improvement or disposition, to the Board.

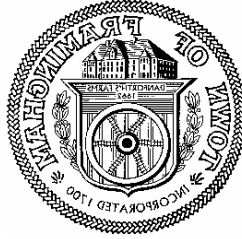
IX. Use of Vehicles

The following guidelines are to be followed regarding the use of Town-owned vehicles. The Town Manager is responsible for any clarification of the guidelines:

- Employees must follow all rules and regulations of the road, including the use of seat belts, in accordance with MGLA.
- Department heads shall be responsible for assignment of vehicles within the department. This assignment may be delegated as necessary for the efficient operation of the department, but the department head shall remain responsible for all vehicles within the department.
- All employees assigned to operate a Town owned vehicle shall possess a valid Massachusetts driver's certificate appropriate for the vehicle being operated. The operator and department head are jointly responsible for observing this requirement.
- Vehicles shall not be operated in an unsafe manner. Any unsafe conditions observed on the vehicle by the operator shall be reported to the operator's immediate supervisor, who shall take appropriate steps to correct the condition.
- All accidents, regardless of fault, shall be reported to the operator's immediate supervisor. A written report concerning the incident shall be submitted to the department head on the same day, signed by the operator, except that in the case of personal injury to the operator, the report shall be submitted as soon as possible. Copies of the report shall be filed with the Framingham Police Department and the Purchasing Office (for

insurance purposes). In the case of personal injury, a First Report of Injury form shall be completed and forwarded to the Purchasing Office.

- Vehicles are to be used only for the purposes related to the operation of the department and/or in connection with the responsibilities of the individual to whom the vehicle is assigned.
- Employees may be permitted to have personal custody of a Town vehicle, in going between his/her home and work, with the approval of the Town Manager. The employee shall be responsible for securing the vehicle at all times while in his/her custody, and shall exercise care that the vehicle is used only for official business, and shall not permit its use by or for members of his/her family. When the employee takes a vacation or is otherwise absent for an extended period of time, the vehicle shall be left in the custody of the department.
- Assignment of department vehicles to be taken home by an employee who is on call and expected to respond immediately when needed may be made only by the department head as appropriate, and with the same restrictions set forth in the second and third sentences of the preceding paragraph.
- The Town assumes no responsibility for moving traffic violations incurred by Town employees.
- Effective June 1, 2002, any employee who drives a town-owned vehicle home and is not on call, or any employee living more than 10 miles from their place of work regardless of their on call status, will be required to reimburse the Town on a per mile basis at a rate established by the Town Manager. (*Amended: 5/23/02; Effective date: 6/01/02*)



**Town of Framingham
Board of Selectmen**

Policy on Customer Service

Issue date: May 1, 2000

Type of policy: New (☒) Amendment ()

Effective date: May 8, 2000

Level: Department () Division () Town Wide (☒)

Policy Statement

The Town of Framingham is committed to operating in an efficient customer service orientated manner throughout its entire operation. Excellent customer service results in an organization meeting the needs of its customers in a consistent and professional manner.

References

None.

Special Terms

None.

Policy Description

I. Employee Responsibility

All employees of the Town of Framingham are to be made aware of the importance of customer service within the Town's operation. Employees should be clearly aware that customer service abilities in all levels of their work will greatly impact employment evaluations and promotional

opportunities. The Town of Framingham will recognize employees for excellence in customer service through the Employee Recognition Program.

II. Supervisors and Management Personnel

Leadership by example is a key component to excellence in customer service. Town management must continually promote in their actions, words and writing the paramount importance of customer service standards. Performance evaluations of management personnel will be substantially impacted by the ability of a manager to provide high levels of customer service and the ability to train and supervise employees to do the same.

III. Standards of Performance

The Town recognizes that for a successful interaction with a customer not only must the end result be satisfactory, the entire experience must be reflective of a quality organization. There are many aspects of our operations that must clearly be based in the ideal of excellent customer service.

IV. Processes

There are many processes within Town government that require formal procedures be followed. Departments must strive to make these processes as simple as possible to access and complete. Simplification of forms, easy to understand directions and short time lines are key examples of efforts that should be put forth to assure customer service orientated processes are in place.

V. Marketing and Communication

The Town provides information and services to residents on an ongoing basis. Communication with the public be it oral or written, must be clear, concise, consistent and easy to access. Departments should strive to utilize all communication possibilities as efficiently as possible to assure that the residents remain informed and aware on a regular basis.

VI. Printed Material

All printed material issued by the Town of Framingham should be professional in appearance.

VII. Phone and Written Inquiries

All inquiries by either phone or writing will be responded to by the proper person in an expedient manner.

Phone calls placed to a specific person are to be taken whenever possible. Initial phone messages must be returned within a 24-hour period. Employees at all levels must adhere to this timeline. If an employee is not available, the caller should be given that information and informed when the person will be available. Alternative help should of course be offered in the interim.

All written inquiries, be they complaints, compliments or suggestions should be acknowledged in an appropriate manner. The initial response should be within no more than three days of receipt of a letter.

The value of automated phone answering systems should not be discounted solely in the pursuit of excellence in customer service. Any department that has such a device must assure that it can be easily bypassed to achieve direct contact with the office.

VIII. Information and Referral

Many times residents will inquire at Town Hall for issues that are not within our domain. Every effort should be made to refer them to the governmental agency or community service agency that is best able to handle their concern. All referrals should include a phone number or location of the suggested agency if at all possible.

Internal referrals should be handled in a similar manner. If a person on the phone is being referred to a different department the caller should be given the direct dial number for future reference and then automatically transferred through the Centrex system. Customers should not be made to call back at that time.

If a referral is made to another Town department, there must be certainty that the referral is correct. If there is some doubt as to the proper referral, the referring department should ascertain the appropriate contact before connecting or directing the customer. If this information is not obtainable the customer should be directed to a supervisor in the initiating department.

XI. Internal Service Departments

Several Town departments are in existence to serve other Town departments directly and not the general public. The Town's customer service standards are fully applicable to our internal service departments. The ability of the Town to meet its own needs in a professional, efficient and customer service orientated manner is a key ingredient to offering such service to the public.

X. Measurement

The Town of Framingham is committed to continual improvement of its operations based on the philosophy of excellence in customer service. Proper measurement of customer service initiatives is vital to this goal.

XI. Complaints

Each department must have a complaint log. Whether a complaint is formal or informal, written or verbal it must be entered into the complaint log. The substance of the log is up to individual departments, but must include at minimum the name of the complainant if available, the time and date of the complaint, the nature of the complaint, the employee handling the situation and the disposition of the situation.

XII. Monitors

From time to time the Town will utilize monitors for the express purpose of evaluating customer service responses from various Town agencies. The monitors will file a complete report of their experience, describing any perceived strengths and weakness in detail, with the Town Manager and the involved agencies. The purpose of this program is to be instructive in nature and not punitive.

XIII. Customer Service Evaluation Card

Every department will have available at each customer service point a return mailer card, which allows input on our performance. These cards should be prominently displayed with easy customer access.



**Town of Framingham
Board of Selectmen**

Policy on Nevins Hall Rental

Issue date: February 8, 2001

Type of policy: New () Amendment (x)

Effective date: February 15, 2001

Amendment date: May 29, 2003; February 5, 2004

Level: Department () Division () Town Wide (x)

Policy Statement

Subject to availability, consistent with the needs of the Town and requests of the public, and at the discretion of the Board of Selectmen, Nevins Hall is available for rental to non-profit and commercial groups or individuals for meetings or programs of an educational, informational or cultural nature.

References

Nevins Hall Rental Application
Use of Town Property Agreement
Application for Special One-Day Liquor License
Revised Policy for One-Day Special Alcohol Licenses
Internal Revenue Service (IRS) Code, Section 501 (c)(3)

Special Terms

None.

Policy Description

I. Reservations

Reservations may be made in person, by mail or telephone, but a reservation form must be completed in advance by an authorized representative of the group or organization. The individual signing the form will be responsible for the conduct of the group and the protection of Town property.

In order to ensure that Nevins Hall is available to all who may wish to rent it, advanced bookings will not be taken more than one year in advance of a planned event. The use of Nevins Hall for municipal purposes will take precedence over all other reservations. If the Town cancels a reservation, every effort will be made to provide as much advance notice as possible. A refund will be issued if a fee has been paid in advance.

II. Insurance

The organization or individual will be required to sign an indemnification agreement with the Town of Framingham for each scheduled event. A general liability policy (\$1,000,000) is required as part of the rental agreement. A certificate of insurance must be provided as proof of said policy. If the organization or individual is unable to provide insurance coverage for the rental of the Hall on their own, the Town will provide such coverage through the Town's insurance company at cost, which must be paid in full by the organization or individual prior to the scheduled event. Events that are sponsored or co-sponsored by the Town may be eligible for coverage under the Town's insurance policy, at the sole discretion of the Town Manager.

The Town is not responsible for the loss or damage to the person or property of any user, or of any individual attending the event. The fact that a group or organization is permitted to meet in Nevins Hall does not in any way constitute an endorsement of that group's policies or beliefs.

Smoking is prohibited in all public buildings, which includes Nevins Hall and any portion of the Memorial Building, by definition.

III. Liquor License

The rental agreement does not include a liquor license. If there will be alcohol present at the event, whether it is being sold or made available to attendees at no charge, a one-day liquor license is required. An application for a one-day liquor license may be obtained at the office of the Licensing Administrator, 1st Floor, Room 113, Memorial Building. Requests for liquor licenses must be submitted to the Licensing Administrator no later than thirty (30) days prior to the scheduled event. Requests submitted less than thirty (30) days prior to a scheduled event cannot be guaranteed.

IV. Fees

Regulations concerning the fees for Nevins Hall shall be established by the Town Manager, and shall be reviewed from time to time as is deemed necessary.

All fees are payable in advance. The Town Manager may waive the rental fee at his discretion, but that does not relieve the applicant of their responsibility for the additional costs of renting the Hall, including custodial, police and fire details, and other licenses and permits.

V. Police/Fire Details

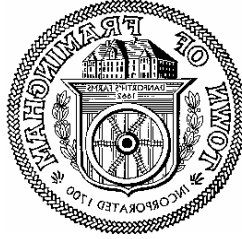
A Police and Fire detail is required for gatherings expecting an excess of two hundred (200) persons or where alcohol is available. The total number of details will be dependent on the total number of expected participants and will be at the discretion of the Police and Fire Departments.

Building Services shall be responsible for requesting Police and Fire details as required, and all details shall be paid in advance of the scheduled event by the organization or individual renting the Hall.

VI. Security Deposit

A security deposit of One Hundred dollars (\$100.00) is required at the time of reserving the Hall. This deposit is refundable after the event is held. If the event is cancelled before it is held, the Town of Framingham reserves the right to withhold the security deposit as a penalty.

Any questions or concerns may be directed to the Director of Building Services, 150 Concord Street, Room 133, Framingham, MA 01702. Phone: (508) 620-4815.



**Town of Framingham
Board of Selectmen**

Policy on Employee Recognition Program

Issue date: May 1, 2000

Type of policy: New (☒) Amendment ()

Effective date: May 8, 2000

Level: Department () Division () Town Wide (☒)

Policy Statement

The employee recognition program is designed to recognize employees for the vital role they play in the success of our organization and in promoting the Town's commitment to operating in an efficient, customer service orientated manner. This program will recognize employees each year for their years of service to the Town and its citizens. Employees who make extraordinary efforts in the delivery of customer service will receive special recognition for their initiative.

References

None.

Special Terms

None.

Policy Description

I. The Program

Each fall, the Town of Framingham will hold a recognition dinner in Nevins Hall to recognize and award employees of all municipal departments who have reached a milestone in their service

to the Town. Any employee who reaches their fifth, tenth, fifteenth, twentieth, twenty-fifth, thirtieth, or thirty-fifth anniversaries during the calendar year will be recognized.

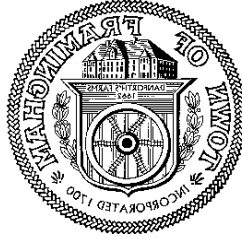
IV. Customer Service Awards

A customer service award committee will be formed to recognize employees who make exemplary efforts in the pursuit of the Town's customer service ideal. Supervisors, co-workers, customers, or anyone else who can testify to the customer service efforts of any Town employee can make nominations. The nomination can be made for ongoing excellence in customer service or a particular incident where an employee went well above and beyond their role in assisting a customer. The committee will select several award recipients each year who will be recognized at the dinner and receive a gift certificate to a local establishment.

The committee will be comprised of the Town Manager, the Chairman of the Board of Selectmen, the Human Resources Director, the president of one of the Town's labor unions, and a representative of the employee council. Nomination forms can be obtained at the Town Manager's Office or at the Human Resources Office. Nominations can also be made directly to the Town Manager by letter.

V. Memorial Building Employee of the Quarter

Employees located in the Memorial Building will also be eligible for an "Employee of the Quarter" award. This award will be presented during the first week of January, April, July, and October. Co-workers or supervisors can make nominations. A committee comprised of the Town Manager, Human Resources Director, and a representative of the employee council will make the choice. The award will include a reserved parking space for three months. Employees of the Quarter will also be honored at the annual employee recognition dinner.



**Town of Framingham
Board of Selectmen**

Policy on Abutters Lists

Issue date: March 20, 2001

Type of policy: New (x) Amendment ()

Effective date: March 27, 2001

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the guidelines for issuing certified abutters lists. This policy will effectively curb any inconsistencies in this process, which may leave the Town and the applicant vulnerable to challenges of inaccurate and incomplete lists.

References

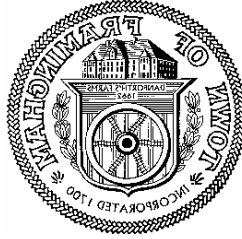
None.

Special Terms

None.

Policy Description

Any Town department or agency that requires a certified abutters list must instruct the applicant to obtain the list directly from the Assessors Office. The applicant must complete the required form indicating the location of the property in question and the parameters of the requested list (i.e., 100 feet, 300 feet, adjoining, etc.). The applicant will be charged a forty dollar (\$40.00) processing fee, and the turnaround time will be twenty-four (24) hours in most cases.



**Town of Framingham
Board of Selectmen**

Policy on Cushing Chapel Rental

Issue date: August 23, 2001

Type of policy: New (x) Amendment ()

Effective date: September 2, 2001

Amendment date: August 8, 2002

Level: Department () Division () Town Wide (x)

Policy Statement

The Cushing Memorial Chapel is a memorial to soldiers and veterans of the Town of Framingham. It shall be operated by the Building Services Department with the assistance of an Advisory Committee, as described below, and funded from an authorized revolving fund specifically created for this purpose. The Town shall maintain and operate the Chapel as both a memorial to soldiers, veterans and others who have used the Chapel throughout its long history, and as a non-sectarian meeting and function place.

References

None.

Special Terms

None.

Policy Description

A. Authority

The Board shall have the authority to interpret, modify, add to, delete from, or otherwise take action related to this policy from time to time, as it sees fit.

B. Advisory Committee

The Board of Selectmen shall be advised in the day-to-day affairs of the Chapel by an Advisory Committee consisting of eleven (11) members appointed by the Board of Selectmen. Terms of

office shall begin on July 1st of the appointing year and end on June 30th of the expiring year and shall range from one to three years. The Committee shall be comprised of the following persons:

- President of Framingham's Veteran's Council, or his/her designee, 3 year term;
- President of Framingham Historical Society, or his/her designee, 3 year term;
- Director of Building Services, 3 year term;
- Eight (8) Framingham residents; each for two (2) year terms, with the initial terms staggered four one-year terms and four two-year terms.

Advisory Committee members shall have the responsibility of advising the Board of Selectmen as it relates to all aspects of the Chapel, including operations and maintenance of, and improvements to, the Chapel. While the Board of Selectmen is not bound by the decisions of the Advisory Committee, due consideration shall be given to their input prior to an action or inaction taken relating to or affecting the Cushing Chapel. The Board of Selectmen shall delegate their authority for day-to-day operations of the Chapel to the Town Manager, who shall also be responsible for carrying out any decisions of the Board as they relate to the Chapel.

Meetings of the Advisory Committee shall be held on a fixed day and time to be determined by the members. All meetings shall be posted for the public in accordance with the Massachusetts Open Meeting Law. Notice of each shall be delivered separately to the Board of Selectmen.

C. Regulations

Regulations concerning the fees and operation of the Chapel shall be established by the Town Manager, and shall be reviewed from time to time as is deemed necessary.

The Chapel is operated under a revolving fund as voted by Town Meeting and authorized by Massachusetts General Laws Chapter 44, Section 53E ½.

D. Acceptance

This policy shall take effect ten (10) calendar days after approval by the Board of Selectmen.



**Town of Framingham
Board of Selectmen**

Policy on Employee Identification Badges

Issue date: September 17, 2001

Type of policy: New (☒) Amendment ()

Effective date: September 24, 2001

Level: Department () Division () Town Wide () Memorial Building (☒)

Policy Statement

This policy statement sets forth the requirements and responsibilities of each Town employee, whose department resides in the Memorial Building, pertaining to employee identification badges.

References

None.

Special Terms

None.

Policy Description

General

After the events of September 11, 2001, several employees made inquiries of the Selectmen's Office about increasing security measures at the Memorial Building. One of the simplest and most effective ways of achieving this was to provide photo identification badges to all employees. Some employees already possessed photo ID badges because of the nature of

their position (i.e., Assessors, meter readers for the Water Department, and Building and Inspectional Services officials, who spend the majority of their time in the field). Photo ID badges, when displayed properly, quickly and easily identify persons who work in the building. The ability to identify employees as information resources assists residents and other customers of the Memorial Building in quickly completing their Town business.

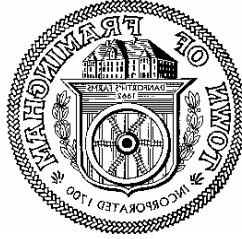
Requirements

A) All Town employees who work in the Memorial Building shall be required to have an identification badge issued by the Town of Framingham. This policy shall also apply to those Town employees who spend a significant amount of time during the workday in the Memorial Building, as determined by their Division or Department Head. The badge shall contain at least the following information:

- Employee's photo
- Employee's name
- Employee's department
- Expiration date of ID

All identification badges issued by the Town under this policy will also have the Town seal, and the facsimile signature of the Town Manager. Previously issued identification badges may differ slightly in appearance and/or information.

- B) Badges must be worn by the employee in such a fashion that they are easily visible to customers and other employees. The Town will provide clips and/or chains to employees for the purpose of displaying the badges.
- C) Lost identification badges should be reported immediately to your Division or Department Head, and should be replaced as soon as is practicable. Badges that are found should be returned to the department listed on the badge.
- D) It is the responsibility of the Division or Department Head to ensure that all employees within their department(s) are in compliance with this policy.



**Town of Framingham
Board of Selectmen**

Policy on Building Permit Refunds

Issue date: May 3, 2002

Type of policy: New (x) Amendment ()

Effective date: May 10, 2002

Level: Department (x) Division () Town Wide ()

Policy Statement

This policy statement sets forth the reasons for issuing building permit refunds by the Department of Building Inspection.

References

Massachusetts State Building Code 780 CMR 113.2

Massachusetts State Building Code 780 CMR 111.8

Special Terms

None.

Policy Description

2. All requests for refunds of building permit fees must be submitted in writing by the original permit applicant or his/her agent to the Building Commissioner.
3. No refund will be authorized for an expired building permit (i.e., after six months, if no work has commenced) as defined by the Massachusetts State Building Code 780 CMR 111.8. A building permit extension may be granted if requested before the

permit has expired and as allowed by 780 CMR 111.8. All refund requests must be submitted within 180 days of the issuance of the permit, unless the applicant was granted a legal extension.

4. The Building Commissioner may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with the State and Town of Framingham, Zoning By-laws. A refund of less than 80% of the permit fee paid is granted in cases where the administrative costs exceed 20% of the permit fee paid.
5. The Building Commissioner, or his designee during a temporary absence, disability or conflict of interest, must approve a full fee refund for a building permit application that was paid and submitted for approval, but not yet approved or issued.
6. Requests for an appeal of the Building Commissioner decision regarding this policy must be made in writing to the Town Manager within thirty (30) days of his decision.



**Town of Framingham
Board of Selectmen**

Policy on Access to Town Counsel

Issue date: January 25, 2002

Type of policy: New (x) Amendment ()

Effective date: February 1, 2002

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the procedure for town employees, boards, committees, and commissions to access Town Counsel for legal services. The policy is intended to more fully define the right of access to Town Counsel as provided in Article II, Section 5 of the General Bylaws of the Town.

This policy is not intended to relieve town employees, boards, committees and commissions from the responsibility to seek advice of Town Counsel, either directly, when allowed under this policy, or through the Town Manager when required, prior to entering into any contract or agreement that creates rights or obligations to which the Town is a party.

References

Town of Framingham Bylaws, Article II, Section 5. Town Counsel
M.G.L. Chapter 268A (Conflict of Interest Law)

Special Terms

“Employee” is defined as a person performing services for or holding an office, position, employment, or membership in a municipality, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis.

Policy Description

I. General

Legal services play a role, often times a significant one, in the efficient and effective operations of the Town. However, the cost of these services continues to have an impact on the price of doing business as a municipality. With that understanding, it is the intent of this policy to place certain controls on the accessibility of Town Counsel by Town employees, boards, commissions and committees, consistent with the Town of Framingham General Bylaws, Article II, Section 5 and state law. It is not the intent of this policy to explicitly or implicitly deny anyone access to Town Counsel; rather, to control and monitor accessibility to Town Counsel, thereby controlling the costs of legal services.

II. Procedure

Accessibility to Town Counsel will be governed by the following parameters:

- The **Town Manager** and **Division Heads** shall have direct access to Town Counsel in relation to their duties as town officials. The Town Assessors shall have direct access to Town Counsel in proceedings before the State Appellate Tax Board, per G.L. c.41, Section 26A. The Treasurer Collector shall have direct access to Town Counsel in legal actions consistent with G.L. c.41, Section 43A.
- Those employees of the Town requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel.
- Sponsors of warrant article(s) for Special Town Meetings or the Annual Town Meeting may submit motions proposed to be offered under said warrant articles in writing to Town Counsel for review.
- **All other requests for access to Town Counsel** must be submitted to the Town Manager for approval by the Board of Selectmen. Requests to the Board from employees of the Town should be generated through the Division Head or Committee Chair.



**Town of Framingham
Board of Selectmen**

Policy on Management of Vehicles for Employment Related Transportation

Issue date: October 24, 2002

Type of policy: New (☒) Amendment ()

Effective date: October 31, 2002

Level: Department () Division () Town Wide (☒)

I. Policy Statement

This policy shall apply to all municipal vehicles and personal vehicles that are used by employees of the Town of Framingham in the performance of their duties and responsibilities as employees. The policy is to be applied so as to assure that (a) municipal vehicles are made available to employees only under appropriate circumstances when required in connection with their assigned duties and that such vehicles are assigned, maintained and used in ways that are consistent with the role of the Town as a public employer and as a steward on behalf of the taxpayers of municipal resources, (b) that employees who are required for the convenience of the Town to use personal vehicles in the performance of their duties are appropriately compensated for such use, and (c) that appropriate accounting controls are maintained and that federal and state reporting requirements are met.

II. References

Internal Revenue Publication 535 (as amended from time to time)

Mass. General Laws c. 90, Section 13A

Framingham Personnel Bylaw, Article IV, Section 3. "Definitions"

III. Definitions

Automobile Allowance: the amount approved by the Board of Selectmen to compensate an employee for regular and routine use of a personal vehicle.

Expense Reimbursement: payment for approved expenses relating to personal automobile use upon receipt of written documentation.

Commute: the use of a municipal vehicle by employees for transportation between an employee's place of residence and the place at which the employees' duties and responsibilities are required to be performed.

Employee: any person in the employment of the Town who is included in the definition "Employee" as that term is used in the Personnel Bylaw of the Town.

Municipal Vehicle: any automobile, truck, van, or other self-propelled equipment owned, rented, or leased by the Town of Framingham and licensed for travel on the public way.

Personal Vehicle: any automobile owned or available for private use by an employee.

IV. Policy Description

This policy supersedes the provisions of Section IV. "Use of Vehicles" in the **Policy on Town Owned Property** issued and effective June 17, 1996. This policy regulates the following matters pertaining to the management of vehicles used for Town employment related transportation:

1. The regulation and administration of vehicles whether owned by the Town or by employees authorized to use personal vehicles in connection with the duties and responsibilities of their employment.
2. The circumstances under which (a) municipal vehicles will be assigned to an employee on a continuing basis due to the nature and responsibilities of the employee's position, and (b) an employee may be assigned a municipal vehicle on an intermittent or periodic basis as required in connection with a particular work assignment.
3. The accounting procedures and income reporting consequences when and if applicable to vehicle assignments, use, and reimbursement to the vehicle owner.

V. Provisions Applicable Generally to Vehicle Use in Connection with Employment

1. Municipal vehicles will only be used for the performance of employees' employment duties and responsibilities unless otherwise specifically permitted herein.
2. Municipal vehicles will not be used to transport any individual whose transportation is not required in connection with the employment duties and responsibilities of the operator of the municipal vehicle or of the individual being transported. No individual may be transported in a municipal vehicle who is not a Town employee or directly engaged in rendering services to the Town in a capacity such as elected officials in the performance of their duties and

responsibilities, committee members duly authorized by their committee in specific cases, consultants, contractors, or individuals authorized to act in the interest of the Town in similar capacities. Family members will not be transported in Town vehicles unless otherwise qualified for such transportation under this policy.

3. Municipal vehicles will contain only those items for which the vehicle is designed. The Town is not liable for the loss or damage of any private personal property transported or installed in the vehicle.
4. Employees will keep municipal vehicles clean, and will report in writing any malfunction or damage to their supervisors as soon as possible but in no event later than 24 hours after becoming aware of such malfunction or damage.
5. Employees who are permitted under this policy to use a municipal vehicle for commuting purposes are required to park such vehicles in safe locations and in all respects to employ such prudence in respect to the care and custody of the vehicle as a reasonably prudent person would use in the care and custody of a privately owned vehicle.
6. Employees are required to wear seatbelts in municipal and personal vehicles so equipped during operation of the vehicle for town business, except as exempted by M.G.L. Chapter 90, Section 13A, and to require such use by any individual being transported therein. Smoking at any time in any municipal vehicle is prohibited.
7. Employees may not operate municipal vehicles while under the influence of alcohol, illegal drugs, prescription drugs or medication that may interfere with or diminish the employee's capacity to safely or effectively operate a vehicle.
8. Employees who operate municipal vehicles must have a valid motor vehicle license appropriate to the nature of the vehicle issued by the state of their current residence and may be required by the Personnel Director to provide proof of valid motor vehicle license once every six (6) months.
9. Employees who operate municipal vehicles must obey all applicable traffic and parking regulations, ordinances and laws.
10. Employees who while operating a municipal vehicle incur parking or other fines will be personally responsible for payment of such fines unless the payment of such fines by the Town is approved by the Town Manager.
11. Employees who while operating a municipal vehicle receive a citation for any offense must notify in writing their supervisor of that fact, with a copy of the citation, as soon as possible but in no event later than 24 hours after receiving such citation. Employees who while operating a municipal vehicle or a personal vehicle while in the exercise of their duties and responsibilities for the Town are involved in a motor vehicle accident, whether or not involving personal injury or property damage, must (a) report the accident to the police department of the municipality in which the accident occurs and request the police to come to the scene of the accident, and (b) notify in writing their supervisor of that fact, with a copy of any citation issued, not later than as soon as possible but in no event later than 24 hours after such accident or, if disabled by injury from so doing as soon thereafter as the employee is able to do so. Failure to provide the notices required under this paragraph will be grounds for disciplinary action in accordance with Section VIII. 2. of this policy.

12. Employees who while operating a municipal vehicle or a personal vehicle are arrested for or charged with a motor vehicle offense for which the penalty may include suspension or revocation of a motor vehicle license must notify in writing their supervisor of that fact as soon as possible but in no event later than 24 hours after receiving such citation. Failure to provide such notice will be grounds for disciplinary action in accordance with Section VIII. 2. of this policy. Conviction of such an offense will be grounds for revocation of the assignment of a municipal vehicle and further disciplinary action in accordance with Section VIII. 2. of this policy.
13. No employee may use a municipal vehicle for out of state transportation or receive reimbursement for use of a personal vehicle for such transportation without having received prior specific approval in writing from the Town Manager for such transportation. .
14. No telephone or other communication device that is hand held may be used during the operation of a motor vehicle unless necessary in the performance of the operator's duties and shall be used only in a manner that does not interfere with the safe operation of the motor vehicle.

VI. Provisions Applicable to Vehicles Assigned to Persons in Designated Positions

1. This policy recognizes that in the efficient performance of their duties and responsibilities certain Town employees require access to municipal vehicles on a 24-hour, on-call basis. Such access is provided to employees holding certain designated positions solely for the convenience of the Town, and municipal vehicles so assigned are not to be regarded as personal vehicles nor employed for personal use except as specifically provided in this policy.
2. This policy also recognizes that it is a common practice in Massachusetts municipalities to permit employees in certain positions of responsibility to whom municipal vehicles have been assigned to use those vehicles, within reasonable limits, to commute. This policy recognizes that such practice is in the best interest of the Town in recruiting and retaining employees in such positions.
3. The positions designated in this paragraph are deemed to require such access to a municipal vehicle under either or both of the foregoing circumstances:
 - a. Town Manager
 - b. Police Chief
 - c. Fire Chief
 - d. Director of Public Works
 - e. Assistant Director of Public Works
 - f. Public Works Superintendent
4. When the Town Manager determines that the interests of the Town require that the duties and responsibilities of any position other than those listed in the preceding paragraph can be most

effectively and efficiently discharged by the assignment of a municipal vehicle, the Town Manager is authorized to make such an assignment and to establish, consistent with this policy, terms and conditions of such use.

5. Among the circumstances that warrant such an assignment are that the duties and responsibilities of the employee require such employee to be available on occasion to respond to the needs of the Town. Employees to whom a municipal vehicle is assigned to meet such occasional need may be authorized by the Town Manager when the assignment is made to use such municipal vehicle to commute during periods when they are required to respond to the needs of the Town.
6. The Division Head having responsibility for the department in which such an assignment is sought shall submit in writing to the Town Manager the request for such an assignment together with a statement of the reasons why such assignment is in the best interests of the Town. The Town Manager is authorized to make or deny such an assignment.
7. In every case in which a municipal vehicle is permitted under this policy to be used for transportation between an employee's place of residence and the place at which the employees' duties are required to be performed, the vehicle must be driven over the shortest usually traveled route taking into account road and traffic conditions. Such vehicles may be used for incidental personal purposes only along such shortest usually traveled route.
8. The Town Manager shall periodically, and whenever such position becomes vacant review the need for the assignment of a municipal vehicle to any employee in a position other than those designated specifically in this policy.
9. All employees who are authorized to use a municipal vehicle for transportation between their place of residence and the place at which such employee's duties are required to be performed must reimburse the Town for the cost of operation of such vehicle for each mile traveled in excess of ten in each one-way trip. The Chief Financial officer shall establish from time to time the applicable reimbursement rate and shall establish such reporting requirements as may be necessary to secure such reimbursement to the Town.
10. All Town employees who are assigned municipal vehicles, whether specifically designated in this policy or under assignments authorized by the Town Manager will be given a copy of this policy by the employee's Department Head or by the Town Manager with respect to the positions designated herein and are required to endorse a copy confirming their receipt. Such endorsed copy is to be retained in the employee's personnel file.
11. The Town will comply with all applicable Internal Revenue Service (IRS) and Massachusetts Department of Revenue (DOR) regulations with respect to the reporting of and withholding on account of imputed income attributable to the personal use of municipal vehicles.

VII. Provisions Applicable To Town Employees Use for Municipal Purposes of Personal Vehicles

1. The Town will reimburse employees for reasonable expenses they incur in the authorized use of their personal vehicle on behalf of the Town. Receipts and the Personal Automobile Travel Expense Report in the form specified by the Chief Financial Officer must be submitted in order for an employee to be reimbursed for such expenses.
2. Employees who are regularly required to use their personal vehicle extensively in the performance of their duties and responsibilities and who have not been assigned a municipal vehicle, may be authorized by the Town Manager with the concurrence of the Finance Committee to receive a monthly automobile allowance to cover estimated expenses for a period to be stated in an agreement in writing between the employee and the Town Manager on behalf of the Town. The manner of estimating such expenses and any reports required of the employee to validate the correctness of the estimate shall be established by the Chief Financial Officer. The agreement to pay such an allowance may be rescinded by the Town Manager in the sole judgment of the Town Manager in accordance with such notice as may be provided in said agreement. An automobile allowance will not be paid in combination with personal automobile expense reimbursement unless authorized by the Town Manager for special or extraordinary circumstances.
3. The rate at which employees who are authorized to use a personal vehicle in connection with the performance of their duties and responsibilities will be reimbursed will be established from time to time by the Chief Financial Officer. The mileage rate is intended to include the costs of gasoline, repairs, insurance, and general wear and tear on the automobile.

In addition to the mileage rate, the Town will reimburse employees authorized to use their personal vehicle or municipal vehicles for transportation outside of Framingham for tolls and reasonable parking expenses, when receipts are provided. Employees who receive an automobile allowance will not be reimbursed for tolls but may be reimbursed for reasonable parking expenses upon the authorization of the Chief Financial Officer. Employees will not be reimbursed for tolls that would normally be paid by the employee during their travel from their place of residence to the place at which their duties are performed.

Employees who are authorized to use their personal vehicle in connection with the performance of their duties for the Town must provide to the Chief Financial Officer proof of the following minimum levels of insurance coverage in a company or companies authorized to write such policies within the Commonwealth of Massachusetts.

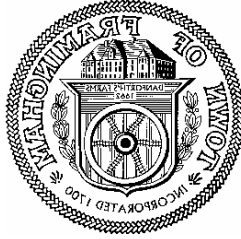
- (1) Bodily Injury: \$100,000/\$300,000
- (2) Property Damage: \$100,000

4. Employees who use their personal automobile to commute to a place other than their regularly assigned place of work will be reimbursed for personal automobile expenses between their home and such other place or between such other place and their regularly assigned place of work, whichever is less.
5. Employees will not be reimbursed for commuting between their homes and offices or other regular work locations.

6. If an employee's personal vehicle is damaged while in use for a purpose authorized under this policy and the damage is not due principally to the conduct of the employee as determined by the Town Manager, the Town will reimburse the employee for the cost of repair of such damage not otherwise recovered by the employee from any other source, upon receipt of documentation as required by the Chief Financial Officer, up to a maximum of \$500 or the amount of the employee's unrecovered loss, whichever is less, per occurrence.
7. Municipal vehicles may be made available to an employee for use during the course of the employee's employment according to the needs of the Town, the employee's job description and the nature of the employee's operator's license. Department heads or designated supervisory employees may assign vehicles that are available to the department in a manner consistent with departmental workload and employee function. Such assignment of municipal vehicles must be authorized by the applicable Division Head with the approval of the Town Manager and, if appropriate, may be authorized on a continuing basis. The assignment of vehicles may be rescinded at any time by the Town Manager or Division Head at their discretion.

VIII. Provisions for Special Circumstances and Sanctions for Enforcement of This Policy

1. This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in connection with the performance of duties and responsibilities of employees. As such, this policy cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Town Manager who will provide such clarification and, consistent with the delegation of authority to the Town Manager hereunder, may authorize exceptions to the policy under mitigating circumstances.
2. Failure of an employee responsible for the use and operation of a municipal vehicle or a private vehicle authorized for use in the performance of Town duties and responsibilities to comply with any one or all of the provisions of this policy may result in disciplinary action up to and including termination of access to Town vehicles and or suspension, or termination of employment.



**Town of Framingham
Police Department**

Policy on Appointment of Constables

Issue date: February 5, 2004

Type of policy: New (X) Amendment () Re-Issue ()

Effective date: February 12, 2004

Level: Public Safety () Police Division () Town Wide (x)

Policy Statement

The Town of Framingham recognizes its responsibility to appoint as constables only those qualified individuals who are of good repute and character. This policy will serve as a guide to the application, screening, and appointment process for the office of Constable in the Town of Framingham.

References

G.L. c. 41 § 91A – Appointment of Constables in Towns

G.L. c. 41 § 91B – Appointments; qualifications; application; investigation.

G.L. c. 41 § 94 – Powers and Duties

Special Terms

None.

Policy Description

V. APPOINTMENT

F. **Application:** Candidates for appointment shall submit a completed application to the Licensing Officer of the Framingham Police Department.

1. The application shall contain the applicant's reasons for appointment and other such information as may be reasonably required to determine the applicant's fitness for the position, including but not limited to:

-) Residency in, or proximity to, Framingham;
-) Ability to read and/or write in several languages;
-) Demonstrated experience in serving process;
-) Demonstrated experience interacting with state and local law enforcement;

6. The application shall also contain a statement as to the moral character of the applicant signed by at least five reputable citizens of Framingham, one of whom must be an attorney-at-law.

G. **Background Investigation:** All applicants for the position of Constable must submit to an investigation of their reputation, character, and qualifications to hold the position. The Licensing Officer of the Police Department, or his designee, will conduct this background investigation. The background investigator may personally interview the applicant.

H. **Recommendation:** The Licensing Officer will make a written report to the Chief of Police as to the applicant's suitability for the position of constable. The report will include a summary of the results of the background investigation and findings of fact relative to the applicant's reputation, character, and qualifications. The Chief will make a final written recommendation to the Town Manager as to whether the applicant should be appointed. If the application is not recommended by the Chief of Police for approval, then the application will not go forward unless the applicant specifically requests a hearing before the Board of Selectmen.

A. **Number of Constables:** The number of constables appointed by the Town of Framingham shall be no more than twenty (20) at any one time. An increase in this number must be approved by the Board of Selectmen, subject to the needs of the community. Applications for constable, regardless of qualifications, shall not be accepted for consideration when the available positions are satisfied.

B. Applicants for constable shall be notified in writing of the date and time that their application shall be considered by the Board of Selectmen, at which time the applicant must be present.

I. STANDARDS OF CONDUCT

Constables shall perform their powers and duties as provided for in G.L. 41 § 94.

RULE 1 - CONDUCT UNBECOMING A CONSTABLE

Constables shall not commit any specific act or acts of improper, unlawful, disorderly or intemperate conduct, which reflect(s) discredit or reflect(s) unfavorably upon the constable, upon other constables or upon the position of constable. Constables shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on their position and the Town of Framingham.

Conduct unbecoming a constable shall include that which tends to indicate that the constable is unable or unfit to continue in his or her position, or tends to impair the operation, morale, integrity, reputation or effectiveness of the position of constable, or is beyond the scope and authority granted to them under G.L. 41 § 94.

RULE 2 – ABUSE OF POSITION

With the exception of the collection of established fees for the discharge of their official duties, constables shall not use the prestige or influence of their official position for the private gain or advantage of themselves or another.

Except as provided above, they shall not use their official position or badges: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts. Constables shall not lend their badges to another person.

RULE 3 – INCOMPETENCE

Constables shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. Incompetence may be demonstrated by, but is not limited to, the following:

- a. a lack of knowledge of the application of laws related to the service of process and the duties and responsibilities of constables;
- b. an unwillingness or inability to perform the duties of the position;
- c. the failure to conform to work standards established for the position;
- d. repeated infractions of these rules and/or the Customer Service Policy of the Town of Framingham.

RULE 4 – DISPARAGING REMARKS

While in the performance of their duties, constables shall not speak slightly of any minority, race, nationality, gender, or religion, nor make derogatory remarks about individuals on account of their marital status or sexual preference

RULE 5 – COURTESY

Constables shall not be rude, impolite or inconsiderate to the public, their fellow constables, or Town employees. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

Constables shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation. **Constables shall adhere to the Town's Customer Service Policy.**

RULE 6 – IDENTIFICATION

Constables shall properly identify themselves to any person requesting this information, while they are performing their duties.

RULE 7 – TRUTHFULNESS

Constables shall speak the truth at all times in the performance of their duties or when discussing a matter arising out of or related to the constable's duties.

RULE 8 – POLICY & PROCEDURE COMPLIANCE

Constables shall read, be familiar with and comply with the requirements of this policy and the rules and procedures contained herein.

RULE 9 – CRIMINAL CONDUCT

Constables shall not commit any criminal act (felony or misdemeanor), or violate the regulatory or criminal laws or statutes of the United States or of any state or local jurisdiction (by-law/ordinance).

NOTE: A constable may be guilty of violating this rule regardless of the outcome of any criminal court case. Conviction for the violation of any law is *prima facie* evidence of a violation of this rule. However, even in the absence of a conviction (which requires proof beyond a reasonable doubt), a constable may still be disciplined under this rule for the conduct that was involved since a preponderance of the evidence is the quantity of proof required in such cases.

RULE 10 - REPORTING CITIZEN COMPLAINTS

Constables shall promptly and courteously make a written record of any complaint made by a citizen against themselves or any other Framingham constable. Constables may try to resolve the complaint; however, they shall not try to discourage any citizen from filing a complaint with the Town.

RULE 11 – REPORT RULE VIOLATIONS

Constables shall, upon observing or otherwise becoming aware of a violation by another constable of the Town’s Rules and Regulations or Policies and Procedures, as set forth in this policy or by other directives or as governed by law, report said violations to the Town Manager who will be responsible for appropriate action.

II. COMPLAINT PROCEDURE

The Town may take disciplinary action or revoke an appointment at anytime for cause. Cause is defined as any reason as stated in Section II or any other section of these regulations. Complaints against Framingham Constables should be in writing and directed to the Town Manager for investigation. The Town Manager may request the Police Department’s assistance in the investigation. A Constable shall receive written notice of the complaint filed against them. Such notice shall state the specific reasons relied on as a cause for disciplinary action and inform the Constable of their right to a hearing before the Town Manager or his designee by applying to him in writing for such a hearing. Such hearing shall be held within twenty-one (21) days after the receipt of a written request thereof. At the hearing, the Constable shall have the opportunity to respond to the complaint filed against them. The Town Manager shall make his recommendation to the Board of Selectmen on a course of action based on the complaint hearing. The Board of Selectmen shall at that time vote to accept the recommendation of the Town Manager, or some other course of action. The decision of the Board of Selectmen shall be final, and not subject to further appeal.

III. REMOVAL FROM OFFICE

The Board of Selectmen reserves the right to revoke the appointments of those constables who violate this policy or otherwise demonstrate a lack of fitness for the position.



**Town of Framingham
Board of Selectmen**

Policy on Trash Collection

Issue date: October 21, 1999

Type of policy: New () Amendment (x)

Effective date: October 21, 1999

Amendment date: September 18, 2003

Level: Department () Division () Town Wide (x)

Policy Statement

This policy statement sets forth the procedures governing the curbside collection of solid waste in the Town of Framingham by the Sanitation Division of the Public Works Department.

References

None.

Special Terms

None.

Policy Description

1. Number of Dwelling Units Collected at Curbside

WHEREAS, for many years the Town of Framingham has maintained a policy of providing municipal solid waste removal to private residential properties containing four or fewer residential units;

WHEREAS, the Board of Selectmen, on August 12, 1999, approved a written policy memorializing the Town of Framingham's municipal solid waste policy and, on August 8, 2002, further clarified said policy;

WHEREAS, Framingham residents residing in condominium units, and their supporters, participated in the local political process and placed on the Town Meeting Warrant an article to raise and appropriate monies necessary to provide municipal solid waste to certain condominium units;

WHEREAS, at the 2003 Annual Town Meeting the Framingham Town Meeting voted to raise and appropriate monies necessary to provide municipal solid waste to certain condominium units that participated in the Town of Framingham recycling program;

WHEREAS, the Town of Framingham is forced to divide its finite budget among various competing and important expenditures;

WHEREAS, large apartment complexes are commercial enterprises with centralized management and advantageous economies of scale, and thereby have greater bargaining power to negotiate favorable trash collection contracts with private trash haulers than do most condominiums; and

WHEREAS, providing municipal trash pick-up to condominium owners will promote home ownership.

NOW THEREFORE, the Board of Selectmen of the Town of Framingham enacts the following trash pick-up policy for the Town of Framingham:

The Town of Framingham will provide solid waste removal service to residential properties containing four or fewer dwelling units, regardless of the form of ownership and further will provide solid waste removal service to condominiums that are (a) residential and (b) participate in the Town of Framingham recycling program, as determined annually by the Framingham Department of Public Works.

Apartment complexes consisting of five or more residential units, and commercial enterprises are not eligible for municipal solid waste removal service, regardless of building configuration or manner of ownership. Owners of residential properties not entitled to receive municipal solid waste removal under this policy are required to obtain private removal of solid waste.

2. Demolition Material

Demolition material, including, but not limited to, concrete, brick, wood products, rebar or other metal items, wood or asphalt shingles, wood or vinyl siding, and other related materials, are not eligible for curbside pickup. Demolition material as outlined above will also not be

accepted at the transfer station due to the cost of disposal, and to comply with the State Solid Waste Ban.

3. Amount of Trash at Curbside

The amount of household trash that is eligible for curbside collection per week shall be limited to three (3) 35-gallon barrels or an equal amount in volume of bags and/or barrels per residential dwelling unit. Any amount of trash in excess of these limits will be tagged and a fine may be issued for non-compliance. Trash in excess of these limits may be brought to the transfer station for disposal only if the resident has a valid transfer station permit.

4. Water Tight Containers

All residential trash must be placed at the curb in watertight containers. This will reduce the potential for injury of the employees collecting the trash, by eliminating the significant weight increase that would occur should the trash become saturated. It will also eliminate health hazards such as rodents, blowing trash, and other potential contaminations.

5. Special Collections

Residents will be charged for special curbside pickup of all rugs, mattresses, furniture, television sets, computer monitors, and other bulky items in addition to the existing special collection for appliances and other metal material.

The fee schedule for these items shall be available in the Public Works offices at the Memorial Building, as well as the transfer station. Stickers for items may be picked up and paid for at these locations as well.

All items, with the exception of televisions and computer monitors, may be taken to the transfer station at no cost if the resident has a valid transfer station permit. This permit may be obtained at the transfer station during their regular hours of operation. Refrigerators, freezers, dehumidifiers or material containing freon will be charged per item. Televisions and computer monitors will require a fee at both curbside collection and the transfer station since they both contain hazardous material. Propane tanks may only be disposed of at the transfer station for a fee.

Fluorescent bulbs are considered hazardous material since they contain mercury. They cannot be taken in the regular waste stream at curbside, but may be disposed of at the transfer station at no cost.

6. State Solid Waste Ban

The State Solid Waste Ban prohibits curbside trash collection of the following items: Computers, televisions, fluorescent lights, batteries, automobile parts, tires, yard waste, or any metal items. All of these items may be disposed of at the transfer station, some for a nominal

disposal fee, if the resident has a valid transfer station permit. Demolition material is not permitted to be collected at curbside or at the transfer station.

7. Allowable Containers

Residential trash containers shall not exceed 35 gallons in capacity, and shall weigh no more than 40 pounds each. This limit will reduce the incidence of injury of employees emptying the containers into the truck. Containers that grossly exceed this limit will be tagged and a fine may be issued for non-compliance. Employees will make every effort to ensure that all containers and covers are placed properly back on the curb after they are emptied.

8. Owner Responsibility

Any residential property owner shall be responsible for maintaining their property in a clean and sanitary condition. This includes keeping the property free from household garbage, rubbish, and other prohibited refuse. The owner of the property shall immediately correct any condition that affects the health safety and well-being of the general public, upon notification of such condition. Continued or repeated violation of this section may result in a fine being issued by the Town for each day the violation remains uncorrected.

9. Non-Payment of Fines

Any property owner that does not pay a fine issued by the Town for non-compliance with trash regulations shall have the unpaid fine placed on a warrant by the Treasurer/Collector to be lienied against the property tax bill.